The full Proceedings
OF THE
High Court of Justice
against King
CHARLES
In Westminster Hall, on *Saturday* the 20. of *January*, 1648.

Together;
With the Kings Reasons *and* Speeches, *and his Deportment on the Scaffold before his Execution.*

Translated out of the Latine by J. C.

Hereunto is added, *A Parallel of the late Wars*, being a Relation of the five years Civill Wars, of King *Henry* the 3d. with the Event of that unnatural War, and by what means the Kingdome was settled again.

London, Printed for *William Shears*, at the Bible in St. *Pauls* Churchyard, 1655.

The First Dayes Proceeding of the High Court of Justice, &c.

THe Triall and the Execution of the last King of *England*, being still as much the wonder as the discourse of Christendome: I shall indeavour to represent it to you, with the exactest faithfulness that can possibly be desired; and although others have gone before me on the same subject, by the benefit of time; I doubt not but that I shall exceed them by the advantage of truth.

In the Supream Tribunall of Justice sitting at *Whitehall* in *Westminster*, Serjeant *Bradshaw* being President, and about seventy other persons, elected to be his Jndges, being present; the Cryer of the Court, having proclaimed his O *yes*, to invite the people to attention, silence was commanded, & the *O*rdinance of the Commons in Parliament, in reference to the Examination of the King was read, and the Court was summoned, all the Members thereof arising as they were called.

The King came into the Court, his head covered, *S*erjeant *Dendy*, being remarkable by the Authority of his Mace, did usher him in; Colonel *Hatcher*, & about thirty Officers and Gentlemen did attend him as his Guard.

The Court being sat, the Lord president *Bradshaw* spake thus unto him.

Charls Stuart King of *England*, the Commons of *England* assembled in Parliament, being touched with the sense of the Calamities which have happened to this Nation, & of the innocent bloud spilt, of which you are accused to be the Author, have both according to their office, which they ow to God, this Nation and themselves, according to the power and fundamentall faith intrusted with them, by the people, Constituted this Supream Court of Justice, before which you are now brought to hear your Charge, on which this Court will proceed.

Mr. Cook the Solliciter General. Sir, In the Name of the Commons of *England*, & of all the people thereof: I do charge *Charls Stuart* here present, as guilty of Treason and other great defaults, & in the name of the Commons of *England*,

land, I require that his charge may be read uhto him.

The King, Stay a little.

L. President. Sir the Court hath given order, that the Charge shall be read : If you have any thing afterwards to plead for your self, you may be heard: Hereupon the Charge was read.

THat the said Charls Stuart being admitted King of England, and therein trusted with a limitted Power, to govern by, and according to the laws of the Land, & not otherwise; And by his Trust, Oath, and Office, being obliged to use the Power committed to him, For the good and benefit of the People, and for the preservation of Rights and Liberties; Yet nevertheless out of a wicked Designe, to erect, and uphold in himself an unlimitted and Tyrannical power, to rule according to his Will, and to

over-

overthrow the Rights and liberties of the people; Yea, to take away, & make void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdome, were reserved on the peoples behalf, in the right and power of frequent and successive Parliaments, or nationall meetings in Councel; he the said Charls Stuart, for accomplishment of such his designes, & for the protecting of himself and his adherents, in his and their wicked practises to the same ends, hath traiterously and maliciously leavied war against the present parliament, and the people therein represented.

Particularly, upon or about the thirtieth day of June, in the year of our Lord, one thousand six hundred fourty and two, at Beverly, in the County of York; & upon, or about

the 30. day of *July*, in the year aforesaid, in the County of the City of *York*; & upon or about the twenty fourth day of *August*, in the same year, at the County of the town of *Nottingham* (when & where he set up his Standard of war;) And also on, or about the twenty third day of *October* in the same year, at *Edghill*, & *Keinton field*, in the County of *Warwick*; & upon or about the thirtieth day of *November*, in the same year, at *Brainchford*, in the County of *Middlesex*: And upon, or about the thirtieth day of *August* in the year of our Lord, One thousand six hundred fourty and three, at *Caversham-bridge*, neer *Reading*, in the County of *Berks*; & upon, or about the thirtieth day of *October*, in the year last mentioned, at, or neer the City of *Glocester*; & upon, or about the thirtieth day of *November*, in the year last mentioned, at

Newbury,

Newbury, in the County of *Berks*; And upon, or about the one & thirtieth day of *July*, in the year of our Lord, One thousand six hundred fourty & four, at *Cropredybridge*, in the County of *Oxon*; And upon, or abont the thirtieth day of *September*, in the year last mentioned, at *Boamin*, & other places neer adjacent, in the County of *Cornwall*; And upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbery* aforesaid; & upon, or about the eighth day of *June* in the year of our Lord, One thousand six hundred fourty & five, at the *Town* of *Leicester*; And also, upon the fourteenth day of the same month, in the same year, at *Naseby-field*, in the County of *Northampton*. At which severall times and places, or most of them, & at many other places in the land, at severall other times, within the years afore-

mentioned: And in the year of our Lord, One thousand six hundred fourty and six; he the said *Charls Stuart*, hath caused and procured many thousands of the Free-people of the Nation to be slain; and by *Divisions, parties and insurrections*. within this land, by invasions from Forraign parts, endeavoured and procured by him, & by *many other evill wayes and means*. He the said *Charls Stuart*, hath not onely maintained and carried on the said War, both by land and sea, during the year before mentioned; but also hath renewed, or caused to be renewed, the said war against the Parliament, and good people of this Nation, in this present year, One thousand six hundred fourty and eight, in the Counties of *Kent*, *Essex*, *Surry*, *Sussex*, *Middlesex*, and many other Counties & places in *England* & *Wales* & also by sea; & particularly

larly, he the ſaid *Charls Stuart*, hath for that purpoſe, given Commiſſion to his Son the prince & others, whereby beſides multitudes of other perſons, many ſuch, as were by the parliament intruſted & imployed, for the ſafety of the nation, being by him & his agents, corrupted, to the betraying of their Truſt, and revolting from the parliament, have had entertainment and commiſſion, for the continuing & renewing of war & hoſtility, againſt the ſaid *Parliament* & *People* as aforeſaid. By which *cruel & unnatural wars* by him, the ſaid *Charls Stuart*, levied, continued, & renewed as aforeſaid, much *innocent bloud of the Free-people* of this *nation* hath been ſpilt; many *families* have been *undone*, the *publick treaſury waſted & exhauſted, trade obſtructed, & miſerably decayed; vaſt expence & dammage to the Nation*,

tion incurred, and many parts of the land ſpoiled, ſome of them even to deſolation.

And for further proſecution of his ſaid evil deſigns, he the ſaid *Charls Stuart* doth ſtill continue his Commiſſions to the ſaid *Prince*, & other Rebels and Revolters, both Engliſh and Forraigners, and to the Earl of *Ormond*, and to the *Iriſh* Rebels and Revolters, aſſociated with him; from whom further invaſions upon this Land are threatned, upon the procurement, and on the behalf of the ſaid *Charls Stuart*.

All which wicked deſignes, wars, and evill practiſes of him, the ſaid *Charls Stuart*, have been & are carried on, for the advancing & upholding of the perſonall Intereſt of Will and Power, and pretended *Prerogative* to himſelf & family, againſt the publique intereſt, Common Right, Liberty, Juſtice and peace of the *people of the nation*, by

and for whom he was entrusted, as aforesaid.

By all which it appeareth, that he the *said Charls Stuart*, hath been, & is the occasioner, author, & contriver of the said unnatural, cruel, & bloody wars, and therein guilty of all the treasons, murthers, rapines, burning, spoils, desolations, dammage and mischief to this nation, acted or committed in the said wars, or occasioned thereby.

And the said *John Cook*, by protestation (saving on the behalf of the people of *England*, the liberty of exhibiting at any time hereafter, any other Charge against him the said *Charls Stuart*; & also of replying to the Answers which the said *Charls Stuart* shall make to the premises, or any of them, or any other Charge that shall be so Exhibited) doth, for the said treasons and crimes, on the behalf of the said people of *England*, impeach the said

Charls Stuart, as a tyrant, traitor, murtherer, & a publick, & a placableenemy to the commonwealth of *England*: And pray, That the said *Charls Stuart* King of *England*, may be put to answer all & every the premises, that such proceedings examinations, tryals, sentence, & judgement may be thereupon had, orshall be agreeable to Justice.

The King was oftentimes observed to smile in indignation, during the reading of the Charge, especially, at the words: Tyrant, Traitor, Murderer, and pnblick enemy to the Common-wealth.

L. President. Sir, you have now heard the Charge read, containing such matters, as do appear therein, you have observed that in the Conclusion thereof, It is required of the Court, in the Name of the Commons of *England*, that you answer to your charge; which the Court doth expect.

The

The King. I would be satisfied by what power I am called hither? It is not long since that I was in the *Isle of Wight*, How I came thither, the story is longer than I conceive fitting, in this place to declare; But I there entred upon a Treaty with both Houses of Parliament, with as much publick faith, as it is possible to be obtained from any people in the World. I there treated with a number of Honourable Lords and Gentlemen, and I treated honestly and faithfully with them; I cannot say, but they dealt very ingeniously with me; and we proceeded so farr, that the Treaty was even concluded. Now I would understand by what Authority, (I mean lawfull) I am brought hither. There are many unlawfull Authorities in the world, as Thieves and Plunderers in the

high-

high-wayes. I would know by what authority I was taken from thence, and caried from place to place, I know not where? When I have understood the lawfulnesse of the Authority, I will make my Answer: In the mean time, remember that I am your King, your lawfull King; and weigh well with your selves, what sins you heap on out own heads, and the anger and judgements of God which you will bring upon this land, I say seriously, weigh it before you further do proceed from one sin to a greater. Therefore declare unto me, by what lawfull Authority I sit here, and I will not refuse to Answer you. In the mean time I will not betray my trust. I have a trust committed to me by God, by an ancient and lawfull succession, I will not betray that by answering to a new and an un-

lawfull

lawfull Authority; wherefore satisfie me in this, and you shall hear further from me.

L. President. If you had but pleased to observe what the Court did suggest unto you, when you first came hither, you had understood by what Authority you were brought hither; which Authority doth require of you, in the Name of the People of *England*, by whom you are elected King, that you make answer to them.

King. No Sir, I deny that.

L. *President.* If you do not acknowledge the Authority of the Court, they ought to proceed against you.

King. I tell them that *England* was never an elective Kingdome, but hereditary, for almost, these two thousand years. Therefore declare unto me, by what Authority I am brought hither, I labour

more for the liberty of my people then any of you, who pretend to be my Judges; and therefore I say, declare unto me, by what lawfull Authority I am placed here, and I will answer you; otherwise, I shall make answer at all.

L. President. Sir, how well you have administred, the power committed to you, is sufficiently known: The method of your Answering is to put Interrogatories to the Court, which doth not become you in this Condition. Twice or thrice it hath been represented to you.

King. There is present here a Gentleman, Lieutenant Colonel *Cobbet*; demand of him, if he did not bring me from the Isle of *Wight*, by force: I come not hither to submit my self in this Court. I will do as much for the Priviledges of the House of Commons,

mons; rightly underſtood, as any other. I ſee not here the Houſe of Lords, which is able to conſtitute a Parliament, and the King ought to be the Super-intendent there. Is this to bring the King to his Parliament, Is this to bring the publick Treaty to an end, by the publick Faith of the world. Either ſhow me your Authority eſtabliſhed by the Scriptures, which are the word of God, or confirmed by the conſtitutions of the Kingdome, and I will anſwer you.

L. Preſident. Sir, you have propounded a queſtion, and an anſwer hath been rendred, but if you will not anſwer to what they to propound, the Court will take it into their conſideration, how to proceed againſt you. In the mean time, they who brought you hither ſhall return you back again.

The Court desireth to be satisfied whether this be all the Answer that you will give them or not.

King. I desire that you would resolve me and all the world, in this one particular. Give me leave to acquaint you, that it is a thing of no small importance which you go about. I am sworn to keep the peace according to the duty, which I do ow to God and to my Land; and I will here perform it to the last breath of my Body: you shall therefore do well first to satisfie God, and afterwards the Land, by what Authority you do this. If you do it by an usurped Authority, you cannot defend it. God who sitteth in the Heavens will call you, and all those, who have conferred this power on you, to give him an account of it. Satisfie me in this, and I shall answer you, for otherwise I should betray the

Faith,

Faith, committed to me, and the liberties of my people: Wherefore consider of it, and I shall be willing to answer you. For I do professe it is as great a sin to resist a lawfull Authority, as to submit unto a Tyrannicall, or any other unlawfull Authority: wherefore resolve me in this particular, and you shall receive my Answer.

L. *President.* The Court expecteth that you should give them a finall Answer, and will adjourn untill *Munday* next: If you cannot satisfie your self; although we tell youour authority, our authority will satisfie our selves; And it is according to the authority of God and the Kingdome, and the peace (of which you speak) shall be preserved in the administration of Justice, and that is our present work.

King. I give you this for my answer, you have not shown me any lawfull authority, which may satisfie any reasonable man.

L. President. It is onely your apprehension, we are fully satisfied who are your Judges.

King. It is not my apprehension, nor yours which ought to determin this.

L. President. The Court hath heard you, and disposed of you accordingly as their discretions have thought expedient.

The Court adjourneth to the Painted chamber, untill Munday at ten of the clock in the morning, and from thence hither.

Some thing that was ominous, ought not to be passed by in silence, when the Charge was read against the King, the silver head of his staff did fall off, which he much did wonder at, and observing no man so officious to assist him,

him, he stooping towards the ground did take it up himself.

As the King returned, looking on the Court, he said, *I fear not thee*, meaning the sword. As he came down the stayres, the people who were in the Hall, cryed out some of them, *God save the King*; but the greater part *Justice, Justice.*

The second dayes proceeding against the King, January 22. &c.

THe Cryer having thrice pronounced his *Oyes*, and silence commanded, after that the Judges were called, and every one did particularly answer to his Name. Silence was again commanded, under pain of imprisonment, and the Captain of the Guards was

ordered to apprehend any that should endeavour to make a tumult.

At the comming of the King into the Court, there was a great shout, and the Court commanded the Captain of the Guards to apprehend and imprison those, who should make either a noise or tumult.

The Court being sat, the Sollicitor turning to the President said, May it please your Lordship my Lord President. In the former Court, on Saturday, in the Name of the Commons of *England*, I exhibited and offered to this Tribunal the charge of high Treasons, and other grievous crimes against the Prisoner, with which I did charge him, In the Name of the People of *England*, and his charge was read, and his Answer demanded. My Lord, It pleased him at

that time to return no answer at all, but instead of answering, he questioned the Authority of the High Court: My most humble motion to this High Court in the Name of the People of the Kingdome of *England*, is that the Prisoner may be compelled to give a positive answer, either by way of Confession or Negation, which if he shall refuse, that the subject of his Charge may be taken for granted, and the Court proceed according to Justice.

L. President. Sir, you may remember, that on the last convention of this Court, the cause was expounded to you, for which you were brought hither, and you heard the charge against you read, it being a charge of High Treason, and other grievous crimes against the Kingdom of *England*: you heard likewise, that is was re-

quired in the name of the people, that you ſhould anſwer to your charge, that there ſhould be a proceeding thereon, as ſhould be agreeable unto Juſtice: you were then pleaſed to move ſome ſcruples concerning the authority of this Court, and you deſired to be ſatisfied in your knowledge, by what authority you were brought hither: you ſeverall times did propound your queſtions, and it was often anſwered to you, that it was by authority of the commons of *England* Aſſembled in Parliament, who did judge ut requiſite to call you to an account, for the great and grievous crimes of which you are accuſed. After that the Court did take into their ſerious conſideration, thoſe things which you objected, and they are fully ſatisfied in their authoritie; and do conceive it requiſite, that you

you ſhould admit it ; they therefore require that you give a poſitive and a particular Anſwer to the charge exhibited againſt you: they do expect that you ſhould either confeſſe it or deny it. If you ſhall deny it , it will be proved in the behalf of the Kingdome, the whole World doth approve of their Authority. So that the kingdome is ſatisfied, and you ought thereby to be ſatisfied your ſelf; you ought not therefore to waſte time , but to give your poſitive anſwer.

King. It is true, that when I was laſt here, I moved that queſtion; and indeed, if it were onely my buſineſſe in particular , I ſhould have ſatisfied my ſelf with that proteſtation , which I then interpoſed againſt the lawfulneſſe of this Court; and that a King cannot be judged by any ſuperiour

jurisdiction on earth, but my own interests are not onely involved in it, but the liberties also of the people of *England*; and pretend what you will. I doe indeavour more for their liberties, then any whatsoever. For if Power without laws, can make laws and change the Fundamentall laws of the Kingdome, I know not what subject in *England* can be secure of his life, or of any thing which he doth call his own: Wherefore when I came hither, I expected particular reasons, that I might understand by what law, and what Authority yon would proceed against me. I should then perceive what most especially I have to say unto you, for the affirmative is to be proved, which seldome the Negative is capable of; but because I cannot perswade you thus, I will give you my

Reasons

Reasons as briefly as I can.

The Reasons for which in conscience and duty which I ow, first unto God, and afterwards to my people, for the preservation of their lives, their liberties, and their fortunes: I believe I cannot answer untill I am satisfied of your legality of it.

All proceedings against any man whatsoever —

President. Sir, I must interrupt you, which I would not do, but that which you do, agreeth not with the proceeding, of any Tribunal of Justice, you enter into a controversie, and dispute against the Authority of this Court, before which you appear a prisoner, and are accused as a great Delinquent. If you will take upon you to controvert the Authority of this Court, we cannot give way unto it; neither will any tribu-

nall

nal of Justice admit it; you ought to submit unto the Court, and to give an exact and direct Answer, whether you will answer to your charge or not? and what is the answer that you make.

King. Sir I know not the formalities of the law, I know the law and reason; and although I am no professed Lawyer, I know the law as well as any Gentleman in *England*, and I am more eager for the Liberties of the people of *England* then you are? and if should believe any man, without he gives me Reasons what he saith, It would be abused; but I say unto you, that the Reason which you give is no wayes satisfactory.

L. President. Sir I must interrupt you, for it cannot be permitted to you in this manner to proceed: you speak of law and reason, it is fit that there should be

be both law and reason, and they are both against you. Sir the Vote of the Commons of *England* Assembled in Parliament, is the reason of the Kingdome, and they ordained this law according to which you ought to Reign. Sir, It is not lawfull for you to dispute against our Authority. This again hath been told you by the Court. Sir, Notice will be taken that you contemn the Court, and this contempt of yours will be recorded.

King. I know not how a King can be interpreted to be a Delinquent, but by any law that I ever heard, all men, whether Delinquent or what you will, may lawfully make objections against their Professe; this is that which I require, and I again desire that my Reasons may be heard. If you deny this, you deny Reason.

L. President. Sir, you have ob-

jected something to the Court; I will declare unto you their opinion. Sir, It is not lawfull for you or any man else to dispute against this Subject; It is Decreed, you ought not to dispute against the jurisdiction of this Tribunal; If you shall yet do it, I must intimate unto you, that they are above objections. They sit here by Authority of the Commons of *England*; and all your Predecessors and you your self are bound to be accountable to them.

King. I deny that, shew me one example?

L. *President*. Sir, you ought not to interrupt, but attend whilest the Court speaks unto you. This Subject is not to be disputed by you, neither will the Court permit that you should object against the jurisdiction of it, they have considered of their jurisdiction, and do approve it.

King.

King. Sir, I say, that the Commons of *England* were never a Court of Judicature; and I would fain know, how they came to be made so now?

President. Sir, It is not permitted to you to proceed in those discourses.

Then the Secretary of the Court did read, as followeth.

Charls Stuart, *King of* England, *you have been accused in the Name of the people of* England *of High Treason, and other grievous Crimes. The Court hath determined that you shall answer to your Charge.*

King. I will answer, as soon as ever I shall understand, by what authority you do these things?

President. If this be all that you will speak: Gentlemen, you who brought the prisonner hither, take him back again.

King. I demand, that I may be

permitted to exhibite my Reasons, why I answer not unto the Charge, and give me time to perform this.

President. Sir, it is not for prisonners to demand.

King. Prisonners, Sir! I am no ordinary prisonner.

President. The Court hath considered of their own jurisdiction, and they have also confirmed their jurisdiction: If you wil not answer, we will give order that your Default be recorded.

King. You have not yet heard my Reasons.

President. Your Reasons are not to be heard against the Supream Jurisdiction.

King. Shew me that jurisdiction in the world, where Reason is not to be heard.

President. Sir, We shew it you here, the Commons of *England*;

and

and the next time you are brought hither, you ſhall underſtand further of the pleaſure of the Court, and peradventure their finall ſentence.

King. Shew me, where the Houſe of Commons was ever a Court of Judicature in that kind.

Preſident. Serjeant, take away the Priſonner.

King. Sir, Remember that the King is not ſuffered to declare his Reaſons; for the Libertie and Immunities of his Subjects.

Preſident. Sir, That Freedome of ſpeech is not permitted to you, how great a friend you have been to the Laws, and the Liberties of the people; let *England* and all the world judge!

King. Sir, By your leave, I have alwayes loved the Liberty, the Immunities, and Laws of the ſubjects; If I have defended my ſelf

by Arms, I have not taken them up against the people, but for them.

President. You must obey the Decree of the Court, you give no answer to the Charge against you.

King. well Sir!

And so was he brought to the House of Sir Robert Cotton; *and the Court was adjourned to the Painted Chamber, untill Wednesday following at twelve of the clock, at what hour they intended to adjourn again to* VVestminster-hall, *where all whom it doth concern are commanded to be present.*

The

The third dayes proceedings against the late King at the High Court of Justice Tuesday *Jan.* 23. 1648.

THe Cryer according to the Custome, having with his *Oyes* commanded silence and attention; the King being sate, Mr. Atturney Generall turning to the L. President spake in these words.

May it please your Lordship: This is now the third time that by the great grace and favour of this High Court, the prisoner hath been brought to the Bar, and yet by reason of his refusall to put in his Answer, there is yet no issue joyned in the cause. My Lord, I did at the first exhibit a Charge against him, containing the highest practices of Treason, that were ever wrought on the Theater of *England*. That a King of *England*,

trusted to keep the Lawes of *England*, and who had taken an Oath so to do, and had tribute paid him for that end, should be guilty of so wicked a design, as to subvert our Laws, an introduce an arbitrary and tyrannicall Government, and set up his Standard of Warre against his Parliament and his people, and I did humbly pray in the behalf of the people of *England*, that he might speedily be required to make an answer to his charge.

But my Lord, instead of making an answer, he did then dispute the Authority of this Tribunal, and your Lordship being pleased to give him a further day to put in his answer, which was yesterday, I did move again that he might be required to put in a direct and positive answer to his charge, either by denying or confessing

fessing it, but he was then pleased to debate the Jurisdiction of the Court, although he was commanded to give a positive answer.

My Lord, by reason of this great delay of Justice, I shall humbly move for speedy judgement against him. I may presse your Lordship upon the known Rules of the Laws of the Land, that if a prisoner shall stand in contempt and not plead guilty or not guilty to the charge given against him, it by an implicite confession ought to be taken *pro confesso*, as I may instance in divers who have deserved more favor than the prisoner at the Bar hath done. But I shall presse upon the whole fact. The House of Commons, the Supream Authority of the Kingdome have declared, (my Lord) that it is notorious. The matter of the charge is true, and clear as chrystall; or

as the Sun that ſhineth at Noon-day, in which my Lord Preſident, if your Lordſhip and the Court be not ſatsfied, I have ſeverall witneſſes on the behalf of the people of *England* to produce, and therefore I do humbly pray, and not ſo much I, as the innocent blood that hath been ſhed, the cry whereof is great for Juſtice and Judgement, that ſpeedy judgement may be pronounced againſt the priſoner at the Bar.

Preſident. Sir, you have heard what hath been moved by Mr. *Sollicitor* on the behalf of the Kingdome againſt you. Sir, you may well remember, and if you do not, the Court cannot forget the delayes which you have made. You have been pleaſed to propound ſome Queſtions, and amply you have had your reſolution on them, you have been often

told

told that the Court did affirm their own Jurisdiction; and that it was not for you nor any other man to dispute the Jurisdiction of the highest Authority of *England*, from which there is no appeal, and touching which there must be no dispute; yet you did deport your self in that manner, that you gave no obedience, nor did acknowledge any Authority either in them, or the Supream Court of Parliament, that constituted this high Court of Justice. Sir, the Court gives you to understand that they are very sensible of these demurres, and that being thus authorised by the High Court of *England*, they ought not to be trifled withall, especially, seeing if they please, they may take advantage of these delayes, and according to the rules of Justice, proceed and pro-

nounce Judgement against you. Nevertheleſſe they are ſo favourable as to give directions to me, and therefore on their behalf I do require you to make a poſitive anſwer to this charge, that hath been read againſt you. Juſtice knows no reſpect of perſons. You are to give your poſitive and finall Anſwer in plain Engliſh, whether guilty or not guilty, of the Treaſon laid to your charge.

The King having meditated a little, did anſwer in theſe words. VVhen I was here yeſterday, I deſired to ſpeak for the Liberties of the people of *England*: I deſire yet to know, whether without interruption, I may ſpeak freely, or not?

Preſident. Sir, on the like Queſtion, you had yeſterday the reſolution of this Court; you were told that having a charge of ſo high a

nature

nature against you, your work was to acknowledge the Jurisdiction of the Court, & to answer the charge; after you have done that, you shall be heard at large to make the defence you can for your self; but Sir the Court commands me to make known unto you, that you are not permitted to run into any other discourses, untill such time that you have returned a positive Answer to the matter that is charged upon you.

King. I value not the charge a rush: It is the Liberty of the people of *England* that I stand for. For me who am your King, and should be an example to all the Courts in *England*, to uphold Justice, and maintain the old Laws; for me I say, to acknowledge a new Court, that I never heard of before, is a thing that I knot now how to do. You did

speak

ſpeak very well on the firſt day I came hither, concerning the obligations that I have laid upon me by God, for the maintenance of the Liberties of my people. I do acknowledge that I do ow the ſame obligations to God and my people, to defend as much as in me lies, the ancient Laws of the Kingdom: therefore untill I be ſatisfied that this is not againſt the fundamentall Laws of the Kingdome, I can put in no particulars to the Charge. If you will give me time, I will ſhew you my Reaſons wherefore I cannot do it, and *Here being interrupted*, he ſaid. By your favour you ought not to interrupt me. How I came here I do not know. There is no Law to make your King your priſoner, I was in a Treaty upon the publick faith of the Kingdome, that was the known-------two Houſes

of

of Parliament, that was the Representative of the Kingdome; and when I had almost made an end of the Treaty; I was hurried away, and brought thither; and therefore I would----

President. Sir, you must know the pleasure of the Court.

King. By your favour Sir,---

President. Nay Sir, by your favour, you may not be permitted to run into these discourses, you appear here as a Delinquent, you have not acknowledged the Authority of the Court, the Court once more doth command you to give your positive Answer?

M. *Broughton.* Do your Duty.

King. Duty Sir.

M. *Broughton* reads, Charls Stuart, *King of* England, *you are accused in the behalf of the Commons of* England *of divers high Crimes and Treasons, which Charge hath been*

read

read unto you. The Court now requires you to give your positive and finall answer, either by way of confession, or by deniall of the Charge.

King. Sir, I say again unto you, If thereby I may give satisfaction to the people of *England* of the uprightness of my proceedings, not by way of answer, but to satisfie them that I have done nothing against that trust, that hath been committed to me, I would do it; but to acknowledge a new Court, against their priviledges, to alter the Fundamentall Laws of the Kingdome; you must excuse me, if I shall refuse to do it.

President. Sir, This is the third time, that you have publiquely disowned this Court, and put an affront upon it. How far you have preserved the priviledges of the People, your actions have spoke; And truly Sir, If mens intentions

can be known by their actions, you have written your intentions in bloody Characters throughout the whole Kingdome: But Sir, you are to understand the pleasure of the Court —— Clerk, Record the Default ——. And Gentlemen, you that are a guard to the Prisoner, take him back again.

King. I will onely adde this one word, If it were onely my own particular, I would not say any more, nor interrupt you at all.

President. Sir, you have heard the pleasure of the Court, and notwithstanding you will not understand it: you are to finde that you are before a Court of Justice.

The King going forth Proclamation was made, that all persons who then appeared; and had further to do with the Court, might depart into the Painted Chamber,

to

to which place the Court adjourned, being resolved to meet again in *Westminster-Hall*, by ten of the Clock, the next morning.

Wednesday *January* 24.

The Court being this day imployed upon Examinations of witnesses and other things, in order to their next proceedings, did appoint one of their Ushers to give notice to the people there assembled to appear on further summons.

The

The last proceedings against the King wherein they pronounced Sentence upon him, on Saturday, *Jan.* 27. 1648.

SIlence being commanded by the Crier, the Court was called, and Serjeant *Bradshaw* the Lord President, was that day in a scarlet Gown. There were present that day, sixty and eight Members of the Court.

The King, turning to the Lord President, said; I shall desire to be heard some few words, and I hope I shall give no occasion of interruption.

President. You may answer in due time, hear the Court first.

King. If it please you Sir, I desire to be heard; and I shall not give any occasion of interruption, and it is onely in a word. A sudden Judgement ----

President. Sir, you shall be heard (as I have told you) in due time, but you must hear the Court first.

King. What I am to speak will be in order, as I conceive, to what I believe the Court will say, and therefore Sir, I desire to be heard, A hasty judgement is not so soon recalled.

President. Sir, you shall be heard before judgement be given, and in the mean time, you ought to forbear.

King. Well Sir, I shall be heard before the judgement be given.

President. Gentlemen, It is well known to all, or the greatest part of you here present, that the prisoner at the Bar hath been several times convented, and brought before this Court, to make answer to a charge of Treason, and other high Crimes, exhibited against him, in the Name of the People

of

of *England*, to vvhich charge being oftentimes commanded to Answer; he hath been so far from submitting to the Court, as he hath undertook to object again, and dispute the Authority of this Court, and of the High Court of Parliament, vvho constituted this Court to Try and Judge him; but being over-ruled in that, and commanded to make answer; he was still pleased to persevere in his contumacie, and refused to submit to answer; vvhereupon the Court that they may not be vvanting to themselves, and to the trust reposed in them; nor that any mans vvilfulness shall prevent the course of Justice; have considered of the contempt, and of that consequence vvhich in law doth arise on that contempt. They have likewise considered of the notoriousness of the Fact

charged upon the prisoner, and upon the vvhole matter are resolved, and have agreed upon a Sentence to be now pronounced against him, but in regard he hath desired to be heard before Sentence be read and pronounced, the Court is resolved to hear him: yet Sir, thus much I must tell you before hand, of vvhich also you have been minded at the other Courts, that if vvhat you are to propose shall tend to dispute the Jurisdiction of the Court, you are not to be heard therein: you have offered it formerly, and you have indeed struck at the root, vvhich is the power and Supream Authority of the Commons of *England*, of vvhich this Court vvill admit no debate; and indeed it vvould be an unreasonable thing in them so to do, being a Court vvhich doth act upon that Authority, vvhich they

they have received from them; they vvill not presume to judge upon their Superiours, from vvhom there is no appeal. But Sir, If you have any thing to say in defence of your self, concerning the matter vvith vvhich you are charged; the Court hath given me command to let you know, they vvill hear you.

King. Since I perceive, you will not hear any thing of Debate concerning that which I confess, I thought most material for the peace of the Kingdom, and the Liberty of the Subject; I shall wave it, and speak nothing of it, onely I must tell you, that these many dayes all things have been taken from me, but that vvhich I call more deer unto me, than my life, vvhich is my conscience and my Honour; and if I had respect to my life more than to the peace

of

of the Kingdom and the Liberty of the Subject; I ſhould certainly have made a particular defence for my ſelf, for by that at leaſt I might have deferred an ugly ſentence, vvhich I expect to paſs upon me. Therefore undoubtedly; Sir, as a man that hath ſome underſtanding, ſome knowledge of the World if that my true zeal to my Countrey, had not over born the care of my own preſervation, I ſhould have gone another vvay to vvork then now I have done. Now, Sir, I conceive that a haſty ſentence once paſſed may ſooner be repented then revoked; and truely the ſame fervent deſire I have for the peace of the Kingdom, and the Liberty of the Subject, more then my own particulars, doth make me now at laſt move that, having ſomething to ſay concerning both, I may be heard before my Sen-

tence

tence be pronounced, before the Lords and Commons in the Painted Chamber. This delay cannot be prejudicial to you vvhatſoever I ſhall utter. If I ſpeak not reaſon, thoſe that hear me muſt be my Judges; but if it be Reaſon, and really for the vvelfare of the Kingdom, and the Liberty of the Subject; I am ſure of it, it will be well worth the hearing. Therefore I conjure you, as you love that which you pretend (I hope it is real) the Liberty of the Subject and the peace of the Kingdom; that you will grant me the hearing before ſentence be paſt. I onely deſire this, that you vvill take this into your conſideration. It may be you have not heard of it before hand. If you think well of it, I will retire, and you may think of it; but if I cannot get this Liberty; I do here proteſt, that ſo

ſair ſhews of Liberty and peace are but pure ſhews and no otherwiſe, if in this you vvill not hear your King?

President. Sir, you have now ſpoken;

King. Yes, Sir.

President. And this vvhich you have ſpoken, is but a further declining of the Juriſdiction of this Court, which is the thing wherein you were limited before.

King. Pray excuſe me Sir, for my interruption!, becauſe you do miſtake me. It is not a declining of it, you do judge me before you hear me ſpeak; I ſay, I will not, I do not decline it; although I cannot acknowledge the Juriſdiction of it. In this, give me leave, to ſay, that though I would not, though I did not acknowledge it in this; yet I proteſt, this is not to decline it, ſince I ſay, If that which I ſhall

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propound be not for the peace of the Kingdom, and the Liberty of the ſubject, then the ſhame is mine. Now I deſire that you will take this into your conſideration; if you will, I will withdraw.

Preſident. Sir, This is not altogether new, that you have offered unto us, I ſay, it is not altogether new unto us, although it be the firſt time, that in perſon you have offered it to the Court. Sir, you ſay, you do not decline the Juriſdiction of the Court.

King. Not in this that I have ſaid.

Preſident. I underſtand you vvell enough Sir, Nevertheleſs, that vvhich you have propounded ſeems to be contrary to what you have ſaid, for the Court are ready to proceed to ſentence: It is not (as you ſay) that they will not hear their King: For they have

been

been ready to hear you, they have patiently vvaited your pleasure for three Court dayes together to hear vvhat you vvould answer to the peoples charge against you; to vvhich you have not vouchsafed to give any answer at all. Sir, this doth tend to a further delay, and truely Sir, Such delays as these, neither may the Kingdom nor Justice admit: You have had the advantage of three several dayes to have offered in this kinde, what you were pleased to have propounded to the Lords and Commons. This Court is founded upon the Authority of the Commons of *England*, in whom resteth the Supream Jurisdiction: That vvhich you now tender to the Court, is to be tried by another Jurisdiction, a co-ordinate Jurisdiction, I know very well, how you have expressed your self, and that not withstand-

ſtanding, what you would propound to the Lords and Commons, yet nevertheleſs, you would proceed on here; I did hear you ſay ſo: but Sir, That which you would offer there, whatſoever it be, muſt needs be in delay of Juſtice here; ſo as if this Court be reſolved and prepared for the ſentence, they are bound in Juſtice not to grant that which you ſo much deſire; but Sir, according to your deſire, and becauſe you ſhall know the full pleaſure of the Court upon that, whileſt you have moved, the Court ſhall withdraw for a time.

King. Shall I withdraw?

Preſident. Sir, you ſhall know the pleaſure of the Court preſently.

The Court withdraws for half an hour into the Court of Wards. Serjeant at Arms, the Court gives command

mand that the prisoner withdraw, and that about half an hour hence the prisoner be returned again.

The time being expired, the Court returned, and the Lord President *commanded the Serjeant at Arms to send for his prisoner.*

The King being come attended vvith his Guard, The Lord *President* said unto him, Sir, you were pleased to make a motion here to the Court, concerning the desire you had to propound something to the Lords and Commons in the Painted Chamber, for the peace of the Kingdom. Sir, you did in effect receive an Answer before the Court adjourned. Truely Sir, their adjournment and vvithdrawing was *pro formâ tantum*, for it did not seem to them, that there was any difficulty in the thing; they have considered of vvhat you moved, and have considered of

their own Authority, vvhich is grounded, as it hath been often said, upon the Supream Authority of the Commons of *England*, Assembled in Parliament. The Court doth act according to their Commission. Sir, I have received an express Order from the Court, to acquaint you, that they have been too much delayed by you already, and that this vvhich you have now offered, hath occasioned some little further delay; they are Judges appointed by the highest Judges, and Judges are no more to delay than they are to deny Justice; they are good vvords in the old Charter of *England*, *Nulli negabimus, nulli vendemus, nulli deferremus justitiam*; There must be no delay, but Sir, the Truth is, and so every man here observes it, that you have much delayed them by your contempt and default; for vvhich

they

they might long ſince have proceeded to judgement againſt you; therefore notwithſtanding, what you have offered, they are reſolved to proceed to puniſhment and to judgement; and this is their unanimous reſolution.

King. Sir; I ſee it is in vain for me to diſpute, I am no Sceptick to doubt, or to deny the power that you have: I do know that you have power enough. Sir, I confeſs, I do believe it would have been advantagious to the peace of the Kingdom, if you would have been pleaſed to take the pains to ſhow the lawfulneſs of your power. As for this delay, which I have deſired, I do confeſs, it is a delay, but it is a delay that is important for the peace of the Kingdom: It is not my perſon, that I look on alone: It is the welfare of the Kingdom, the peace of the

King-

Kingdom. It is an old ſaying, that we ſhould think on long; but perform great matters ſuddainly. Therefore, Sir, I do ſay again, I do put at your doors, all the inconveniencies of a haſty ſentence. I have been here now a full week, this day eight dayes, was the day in which I made in this place, my firſt appearance; The ſhort reſpite but of a day, or two longer, may give peace unto the Nation; whereas an haſty judgement may bring ſuch a perpetual trouble and inconvenience upon it, that is, the Childe unborn may repent it. And therefore once more, out of the duty I owe to God, and to my Countrey, I do deſire that I may be heard by the Lords and Commons in the painted Chamber, or any other place that you vvill appoint me.

Preſident. Sir, you have been al-

already answered to what you have moved, it being the same motion which you made before, for which you have had the resolution and the judgement of the Court in it; and the Court would now be satisfied from you, whether you have any more to say for your self than you have yet said, before they proceed to sentence?

King. I say this Sir, that if you will but hear me, and give me this delay, I doubt not, but I shall give some satisfaction to all that are present, and to my people that are absent; and therefore I require you, as you will answer it at the dreadfull day of Judgement, that you will, once again take it into your consideration.

President. Sir, I have received instructions from the Court.

King. Well Sir,

President. If this must be reinforced,

forced, or any thing of this nature, your answer must be the same, as it was before, and they will proceed to sentence if you have no more to say?

King. Sir, I have nothing more to say, onely I desire that this may be entered what I have said.

President. The Court Sir, then hath something else to say to you, which although I know will be very unwelcom; yet notwithstanding, they are resolved to discharge their duty.

Sir, you have spoken very well of a precious thing, that you call a peace; and it were much to be wished that God had put it into your heart, that you had as effectually endeavoured, and studied the peace of the Kingdom, as in words you seem to pretend; but as the other day, it was represented to you, that actions must expound in-

tentions: Your actions have been clean contrarie, and truely Sir, it doth appear very plainly to the Court, that you have gone upon very erronious principles. The Kingdom hath felt it to their ſmart, and it vvill be no comfort to you, to think of it; for Sir, you have been heard to let fall ſuch language, as if you had not been ſubject to the Law, or that the Law had not been your Superiour. The Court is very ſenſible of it: I hope, ſo are all the underſtanding people of *England*. That the Law is your Superiour: you ought to have ruled according to the Law, you ought to have done ſo, and your pretence hath been, that you have done ſo: But Sir, the queſtion is, who ſhall be the expoſitors of the Law, whether you and your party, out of the Courts of Juſtice ſhall take upon you to expound

the

the Law? Or whether the Courts of Justice shall be the expounders themselves? Nay, this Sovereign and high Court of Justice, the Parliament of *England*, vvho may vvell be obliged to be the highest expounders of the Law, since they are the sole makers of it. Sir; for you to set your self vvith your single judgement, or for those who adhere unto you, to set themselves against the highest Court of Justice, there is no Law for it. Sir, as the Law is your Superior, so truely, there is something that is superiour to the Law, which is the Parent, or Author of the Law; and that is the people of *England*: For as they are those vvho at first (as other Countreys have done) did chuse unto themselves this form of Government, that Justice might be administred and the peace preserved: so they gave Laws unto

their Governours, according to which they were to govern; and if those Laws should have proved inconvenient, or prejudicial to the publick, they had a power in them reserved to themselves to alter, as they should finde cause.

It is very true, what some of your side have alleadged; *Rex non habet parem in regno.* This Court will affirm the same in some sense, that whilest King, you have not your peer; for you are *major singulis*, but they will aver again, that you are *minor universis*; and the same Author tells you, that *in exhibitione juris*, you have no power, but they are *quasi minimus.*

This we know to be Law, *Rex habet superiorem Deum & legem, etiam & Curiam*, and so sayes the same Author; and he makes bold to proceed further; *Debent ei fre-*

num ponere, they ought to bridle him. We know very well the stories of old: we cannot be ignorant of those Wars that were called the Barons Wars, when the Nobility of the Land did stand out for the Liberty and the propriety of the Subject, and would not suffer the Kings that did invade their Liberties to play the Tyrants, but did call them to an account for it, and did *frænum ponere*. But Sir, If the Nobility of the Land do forbear to do their duty now, and are not so mindefull of their own Honour and the Kingdomes good, as the Barons of *England* of old have been; certainly, the Commons of *England* will not be unmindefull of what is requisite for their preservation and their safety. *Justitiæ fruendi causa Reges constituti sunt.* By this we learn, that the end of having Kings, or

Governours, is for their enjoying of Justice, that is the end. Now Sir, If the King vvill go contrarie to that end, or if any Governour will go contrarie to the end of his government, he must understand, that he is but an Officer in trust, and that he ought to discharge that trust, and order is to be taken for the animadversion and punishment of such an offending Governour.

Sir, This is not a Law of yesterday (since the time of the division betwixt you and the Parliament) but it is a Law of old; And vve know very vvell both the Authors and the Authorities that acquaint us what the Law was in that point on the election of Kings, vvhen they took their Oath to be true unto the people; and if they did not observe it, there vvere those remedies instituted which are called

led Parliaments. The Parliaments vvere they that vvere to adjudge (the very vvords of the Authors) the plainneſs and wrongs done by the King and Queen, or by their Children; ſuch vvrongs eſpecially when the people could have no where elſe a remedy. Sir, this is the Caſe of the people of *England*, they could not have their remedy elſe where but in Parliament.

Sir, Parliaments were inſtituted for that intent, it was their main end, that the grievances of the people might be redreſſed, and truly, if the Kings of *England* had been rightly mindefull of themſelves, they vvere never more in Majeſtie, or State, than in the time of the Parliament: but how forgetfull ſome have been, Hiſtories have informed us; and vve our ſelves have a miſerable, a lamen-

table, and a ſad experience of it.

Sir, by the old Laws of *England* (I ſpeak theſe things the rather to you, becauſe you were pleaſed to affirm the other day, that you thought you had as much knowledge in the Law as moſt Gentlemen of *England*. It is very well, Sir; and truely Sir, it is very fit for the Gentlemen of *England* to underſtand the Laws, under which they muſt live, and by which they muſt be governed; And then Sir, the Scripture ſayes, they that know their Maſters will and do it not; you know what follows, the Law is your Maſter, the acts of Parliament) the Parliaments were anciently to be kept twice in the year, as we finde in our old Author, that the Subject upon any occaſion might have a remedie and a redreſs for his grievance. Afterwards by ſeveral Acts of Parliament

liament in the dayes of your Predeceſſor *Edward* the third; they were to be but once a year. What the Intermiſſion of Parliaments in your times hath produced, is very well known, and the ſad conſequences of it; as alſo what in the interim inſtead of Parliaments, there hath been by you, by a high and arbitrarie hand introduced upon the people. But when God by his Providence had ſo farre brought it about, that you could no longer decline the calling of a Parliament, a Parliament was called; vvhere it may appear vvhat your ends vvere againſt your ancient and Native Kingdom of *Scotland*; but this Parliament of *England* not ſerving your turn againſt them, you were pleaſed to diſſolve it. Not long after, another great neceſſitie occaſioned the calling of this Parliament, and vvhat your de-

designs and indeavours all along have been for the crushing and confounding of it, hath been most notorious to the whole Kingdom. And truely Sir, in that you did strike at all, It had been a sure way to have brought about that which this *Charge* doth lay upon you; your intention to subvert the fundamental Laws of the Land, for the great Bulwarks of the peoples Liberty, is the Parliament of *England*, and to subvert and root up that, which your aim hath been to do, would certainly at one blow, have confounded the Liberties and the properties of *England*.

Truely Sir, It makes me to call to minde (I cannot forbear to express it) for Sir, vve must deal plainly vvith you according to the merits of your Cause, for so is our Commission, It makes me, I say, to call to minde what I have read of a

great

great *Roman* Emperor, a great *Roman* Tyrant, I may call him, *Caligula* by name, who wiſhed that the people of *Rome* had but one Neck, that at one blow he might cut it off: Your proceedings have been ſomething like to this, the people of *England* have been and are no where elſe to be repreſented but in Parliament; and could you have but confounded that, you had at one blow cut off the Neck of *England*: But God hath reſerved better things for us, and hath been pleaſed to break your Forces and to overthrow your deſigns, and to bring your perſon into cuſtody, that you might be anſwerable unto Juſtice.

Sir, vve know very well, that it is a queſtion which hath been much preſſed by your ſide, *By what Preſidents we ſhall proceed.* Truely Sir, for Preſidents, I ſhall

not at this present make any long discourse on that subject; howsoever, I shall acquaint them that it is no new thing to cite Presidents all most out of all Nations, vvhere the people (vvhen power hath been in their hands) have not sticked to call their Kings to an account, and vvhere a change of Government hath ensued upon the occasion of the Tyranny and misgovernment of those that have been placed over the people. I will not waste time, to mention *France*, or *Spain*, or the Empire of *Germany*, or any other Countrey; Volumnes may be written of it: But truely Sir, that President of the Kingdom of *Arragon* hath by some of us been thought upon. The Justice of *Arragon*, is as a man *tanquam in medio positus*, it is placed between the people of that Countrey and the King of *Spain*; so that

if

if wrong be done by the King of *Arragon*, the Justice of *Arragon* hath power to reform that wrong, and he is acknowledged the Kings Superiour; and bring the grand prisoner of the Priviledges, and Liberties of the people; he hath prosecuted against the Kings for their misgovernment.

Sir, VVhat the Tribunes were heretofore to *Rome*, and what the *Ephori* were to the State of *Lacedemon*, vve sufficiently know, they were as the Parliament of *England* to the *English* State: and though *Rome* seemed to have lost her Liberty vvhen once the Emperours vvere constituted; yet you shall finde some exemplar Acts of Justice even done by the Senate of *Rome*, on the great Tyrant of his time *Nero*, vvho vvas by them condemned and adjudged unto death. But why Sir, should I make men-

mention of these Forreign Histories and Examples unto you. If we shall look but over the *Tweed*, we shall find Examples enough in your Native Kingdom of *Scotland*. If we look on your first King *Forgusius*, he was an elective King, he died and left two Sons, both in their minority: The elder brother afterwards giving small hopes to the people, that he would govern them well; so because he endeavoured to have supplanted his Uncle, who was chosen by the people, to govern them in his minority; he was rejected by the people for it, and the younger Brother was chosen, *&c.*

Sir, I will not take upon me to express what your Histories do at large declare; you know very well that you are the hundred and ninth King of *Scotland*; to mention all the Kings, which the people

pſe of that Kingdom, according to their power and Priviledge, have made bold to deal withall, either to baniſh, impriſon, or put to death, would be too long a ſtorie for this time and place. *Reges* (ſay your own Authors) vve created Kings, at firſt, *Leges, &c.* vve impoſed Laws upon them, and as they vvere choſen by the ſuffrages of the people at the firſt, ſo upon the ſame occaſion, by the ſame ſuffrages they may be taken down again; and of this, I may be bold to ſay, that no Kingdom in the VVorld hath yielded a more plentifull experience, than your Native Kingdom of *Scotland*, on the depoſition and the puniſhment of their tranſgreſſing Kings.

I need not go far for an Example, your Grand-mother vvas ſet aſide, and your Father an Infant

Crown'd

Crown'd. This State hath done the like in *England*. The Parliament and people of *England*, have made bold to call their King to an account therein, frequent Examples of it in the *Saxons* time, the time before the Conquest, and since the Conquest, there have not wanted some Presidents: King *Edward* the second, King *Richard* the second, were so dealt with by the Parliament, and were both deposed, and deprived, and truely Sir, whosoever shall look into their stories, shall not finde the Articles that are charged upon them to come near to the height, and the Capitalness of the crimes that are laid to your charge, nothing near.

Sir, you were pleased the other day to alledge your descent, and I did not contradict it, but take all together, if you go higher than the

the Conquest, you shall find that for almost a thousand years these things have been, and if you come down since the Conquest, you are the four and twentieth King from *William* called the Conquerour, and you shall find one half of them to come meerely from the State, and not meerely upon the point of Descent. This were easie to be instanced. The time must not be lost that way. I shall onely represent what a grave and learned Judge said in his time, who was well known unto you, the words are since printed for posterity: That al hough there were such a thing as a Descent many times, yet the Kings of *England* ever held the greatest assurance of their Titles, when it was declared by Parliament. And Sir, your Oath, and the manner of your Coronation, doth

plainly shew, that the Kings of *England*, although it's true by the Law, the next person in bloud is designed, yet if there were a just cause to refuse him, the people of *England* might do it. For there is a Contract and a bargain made betwixt the King and his people, and your Oath is taken, and certainly Sir, the Bond is reciprocall, for as you are Liege Lord, so are they Liege Subjects, and we know very well that *Legantis est duplex*, the one is a Bond of perfection, that is due from the Soveraign, the other is a Bond of Subjection which is due from the Subject, for if this Bond be once broken, farewell Soveraignty, *Subjectio trahit*, &c.

These things may not be denyed, for I speak it the rather (and I pray God it may work upon your heart) that you may be sensible

ſible of your miſcarriages, for whether you have been as you ought to be, a Protector of *England*, or a deſtroyer of *England*, let all *England* judge, or all the world that hath beheld it, and though Sir, you have it by inheritance, in the way that is ſpoken of, yet it cannot be denyed, but your Office is an Office of Truſt, and indeed an Office of the high-eſt Truſt that can be lodged in any ſingle perſon. For as you were the grand Adminiſtrator of Juſtice, and others were but as your Delegates, to ſee it executed through your Dominions. If your great Office were to do Juſtice, & preſerve your people from wrong, if inſtead of executing Juſtice, you will be the grand and publick diſturber of the peace, ſurely this is contrary to your Office and your Truſt. Now Sir, if it

be an office of inheritance (as you ſpeak of your Title by deſcent) let all men underſtand, that great Offices are ſeizable, and forfeitable, as if you had it but for a yeare, or for your life. It will therefore much concern you to take into your ſerious conſideration, your great miſcarriages in this nature.

Truly Sir, I ſhall not in this place undertake to give you the particulars of the many miſcarriages of your Reign, whatſoever they have been, they are notoriouſly known. It had been happy for the Kingdome, and for your ſelf alſo, if they had not been ſo much known, and ſo much felt, as they are every where complained on, and reported.

Sir; that we are now upon by the command of the higheſt Court, hath been and is to bring

you

you to your Triall, and to judge you for these great offences of yours: Sir, the Charge hath called you Tyrant, a Traytor, a murtherer, and a publike enemy to the Commonwealth; Sir, it had been well, if these terms might rightly and justly have been omitted; nay, if any one of them all.

King, Ha!

President, Truly, we have been told, *Rex est, qui bene regit, Tyrannus qui populum opprimit*, and if that be the definition of a Tyrant, then see if you come short of it in your Actions, and whether not the highest Tyrant by that way of arbitrary Government, which you sought to introduce, and were putting upon the people. Examine with your self, if that were not as high an act of Tyranny, as any of your prede-

ceſſours were guilty of, yea many degrees beyond it.

Sir, the Term Traytor cannot be ſpared, we ſhall eaſily conclude that it doth enforce and denote a breach of Truſt, and it muſt be ſuppoſed to be done by a ſuperior, and therefore as the people of *England* might have incurred that term, if they had been truly guilty of it, as to the definition of the Law; ſo on the other ſide when you did break your Truſt to the Kingdome, you did break your Truſt to your ſuperior; For the Kingdome is that for which you were truſted; And therefore when you are called to an account for this breach of truſt, you are called to account by your ſuperior. *Minimus Majorem in judicium vocat*: And Sir, the people of *England* cannot be ſo wanting to themſelves, (whom God hath

hath dealt ſo miraculouſly and glorioufly for) they having both power and their great enemy in their hand, but they muſt proceed to Juſtice to themſelves and to you; For Sir, the Court could heartily deſire that you would lay your hand upon your heart, and conſider, what you haue done amiſſe, and that you would endeavour to make your peace with God. Truly Sir, Theſe are too high Crimes, Tyranny and Treaſon. There is a third if thoſe two had not been, and that is murder, which is laid to your charge alſo. All the bloody murders that have been ommitted ſince the Diviſion betwixt you and your people, muſt be laid to your charge. Sir, It is a hainous and a crying ſinne, and truly Sir, If any man will ask us what puniſhment is due unto a murtherer, let Gods law, let mans

ſpeake. I will preſume you are ſo well read in the holy Scripture as that you know what God himſelf hath ſaid concerning the ſhedding of mans blood. *Gen.* 9, and *Num.* 35. will tell you what the puniſhment is, and this Court in the behalf of the Kingdom are ſenſible of that innocent blood, that hath been ſhed, & the land indeed ſtands ſtil defiled with that blood, and as the Text hath it; *It can no way be cleanſed, but by the ſhedding of the blood of him who ſhed that blood.* Sir, We know no diſpenſation from this blood in the Commandement, *Thou ſhalt do no Murther*, we do not know but that it extends to Kings as well as to the meaneſt peaſants, the meaneſt of the people, the Command is univerſall. Sir, Gods law forbids it, mans law forbids it; nor do wee know that there is any manner of

excep-

exeeption, not even in mans laws, for the punishment of Murther in you. Tis true, that in the Case of Kings, every private hand is not to put forth its self to this work, for their reformation or punishment; but the people represented having power in their hands (were there but one willfull Act of murder by you commited) have power to convent you, and to punish you for it.

The weight Sir, then lying upon you in all these respects, that have been spoken, for your Tyranny, Treason, Breach of Trust, and the murders that have been committed, surely it should drive you into a sad consideration concerning your eternall estate: I know it cannot be acceptable to you, to hear any such things as these mentioned from this Court, for so do we call our selves, and

justifie

justifie our selves to be a Court, and a High Court of Justice, authorized by the highest and solemnest Court of the Kingdome, as hath been often already said. And although you have indeavored, what lay in you to discourt us; yet wee do take knowledge of our selves to be such a Court, as can administer justice to you, as wee are bound in duty to it.

Sir, all I shall say, before the reading of the Sentence, is but this. The Court doth heartily desire, that you will seriously consider of those Evlls, that you stand guilty of. You said well the other day, you wished us to have God before our eyes. Truly Sir, I hope all of us have so, that God whom wee accknowledge to be King of Kings & Lord of Lords, that God with whom there is no respect of persons; that God who

is

is the avenger of Innocent blood; that God have we before our eys, that God who bestows a Curse upon them, who in the case of guilty malefactors that deserve death, do withhold their hands from shedding af blood: Sir, That God we have before our eyes, and were it not that the Conscience of our duty hath called us into this place and this imployment, you should have had no appearance of a Court here. But Sir, we must preferre our respect unto God and to the Kingdome, above any respect whatsoever; and although at this present, many of us, if not all of us, are severely threatned by some of your party, what they intend to do; yet wee do here declare, that we shall not deeline or forbear the doing of our duty in the administration of Justice, even to your selfe; and that accordind to the

the merit of your offence; although God ſhould permit thoſe men to effect all their bloody deſigns in hand againſt us. Sir, we will ſay, and will declare it as thoſe Children in the fiery furnace, who refuſed to worſhip the Golden Image, that *Nabuchadonazer* had ſet up, That their God was able to deliver them from the danger they were neer unto; but if he did not deliver them, yet they would not fall down and worſhip the golden Image. We ſhall make this application of it, That though we ſhould not be delivered fom thoſe bloody hands and hearts, who conſpire the overthrow of the Kingdom in generall, and of our ſelves in particular, for being actors in this great work of Juſtice; though I ſay, we ſhould periſh in the work, yet by the grace & in the ſtrength

of God, we are resolved to go on with it. And those are the intire resolutions of us all.

Sir, I say, for your selfe that we do heartily wish and desire that God would be pleased to give you a sense of your sins, that you may see wherin you have done amisse, and that you may cry unto him, that God would deliver you from blood-guiltinesse. A good King, *David* by Name, was once guilty of that particular guilt; he was otherwise upright, saving in the matter of *Vriah*. Truly Sir, the History doth represent unto us, that he was a repentant King, and and he had died for his sinne, but that God was pleased to be indulgent to him, and to grant him his pardon, *Thou shalt not die*(saith the Prophet)—*but the child shall dye; Thou hast given cause to the Enemies of God to blaspheme.*

King. I would only desire to be heard but one word, before you give sentence, and it is that (to satisfie the world when I am dead) you would but hear me concerning those great Imputations which you have laid unto my charge.

President. Sir, yon must now give me leave to proceed, for I am not far from your Sentence, and your time is now past.

King. I shall desire you, that you will take these few words into your consideration; For whatsoever sentence you shall pronounce against me in respect of those heavy imputations, which I finde you have laid to my charge; yet Sir, It is most true that——

President. Sir, I must put you in mind, I must Sir, although at this time especially, I would not willingly interrupt you in any thing

you

you have to ſay, which is proper for us to admit; but Sir, you have not owned us as a Court, and you look upon us, as a ſort of people huddled together, and we know not what uncivill language we receive from your party.

King. I know nothing of that.

Preſident. You diſavow us as a Court, and therefore for you to addreſſe your ſelf to us, whom you do not acknowledge to be a Court for us (I ſay) to judge what you ſhall ſpeak is not to be permitted; and the truth is all along from the very firſt, you have been pleaſed to diſavow and diſown us; The Court needed not to have heard you one word; for unleſſe they be acknowledged a Court and ingaged, it is not proper for you to ſpeak.

Sir, We have given you too large an indulgence of time

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already, and admitted ſo much delay, that we may not admit of any more. If it were proper for us, we ſhould heare you very freely, not decline to hear the moſt that you could ſpeak to the greateſt advantage for your ſelf, whether it were totally, or but in part excuſing thoſe great and hainous charges which are laid upon you. But I ſhall trouble you no longer, your ſins are of ſo large a dimention, that if you do but ſeriouſly think of them, they will drive you into a ſad conſideration; and we wiſh that they may improve in you a ſad and ſerious repentance. And it is the deſire of the Court, that you may be ſo penitent for what you have done amiſſe, that God may at leaſt, have mercy on your better part. As for the other, it is our part and duties, to doe that which the law preſcribeth, we

are

are not now here *jus dare*; but *jus dicere*; we cannot be unmindfull of what the word of God tels us, To acquit the guilty, is of an equal abomination, as to condemn the Innocent; we may not acquit the guilty, what sentence the law pronounceth to a traytor, a tyrant, a murtherer, and a publike enemy to the Country, that sentence you are now to hear read unto you, and that is the Sentence of the Court.

Hereupon the Lord *President* commanded the Sentence to be read; Whereupon M. *King*, who was Cryer of the Court, having commanded silence by his *Oyes*, the Clerk read the sentence, which was drawn up in Parchment, and did run in these words.

Whereas the Commons of England *in Parliament, had appointed them an high Court of Justice for the*

tryall of Charls Stuart *King of* England, *before whom he had been three times convented, and at the first time, a Charge of High Treason and other Crimes and Misdemeanors was read in the behalf of the Kingdome of* England; which Charge followeth in these words:

This Charge being read (said the Clerk) *Charls Stuart* was required to give his answer, which he refused to do, but expressed these passages, and many more such as these are, in refusing to answer.

The Clerk (having repeated many passages, during the time of his triall, in which the King shewed an aversenesse to acknowledge the Court) did proceed to read the Sentence, which was in these words

For all which Treasons and Crimes, this Court doth adjudge, That

That the said Charls Stuart *as a Tyrant, Traytor, Murtherer, and a publike Enemy, shall be put to death, by severing his Head from his Body.*

This Sentence being read, the Lord President said; This Sentence now read and published, is the Act, Sentence, Judgement, and resolution of the whole Court.

Hereupon, the Court stood up, as assenting to what the President said.

King. Will you hear me one word Sir!

President. Sir, you are not to be heard after the Sentence.

King. No Sir!

President. No Sir, by your favour Sir, ------- Guard withdraw your Prisoner.

King. I may speak after the sentence ------- By your favour Sir, I may speak after Sentence ever. The Guard drawing to him, he

said unto them; by your favour hold: and turning to the President, he said; the Sentence Sir,--- I say Sir, I do ------ but being not permitted to proceed, he said, I am not suffered to speak, expect what Justice other people will have.

Cryer. All manner of persons that have any thing else to do, are to depart at this time, and to give their attendance in the Painted Chamber, to which place this Court doth forthwith adjourn it self.

Then the Court arose, and the Kings guard did bring him to Sir *Robert Cottons* house, and he was afterwards conducted to Saint *James's.*

The names of those who were present at that High Court of Justice, when the Sentence of Death was pronounced against *Charls the first Monarch* of great *Britain.*

Serjeant Bradshaw, President.	*Col. Berkstead.*
John Lisle.	Col. *Thomlinson.*
William Gray.	*Mr. Blakston.*
Ol. Cromwell L. G.	*Mr. Millington.*
Comissary Gen. Ireton.	*Sir Gregory Norton.*
Sir Hardres Waller.	Col. *Harvey.*
Colonel Harrison.	Col. *Ven.*
Colonel Whaley.	*Mr. Scot.*
Colonel Pride.	*Alderman Andrews.*
Col. Ewer.	*Mr. Cawley.*
Lord Gray of Groby.	*Mr. Burrel.*
Sir John Danvers.	Col. *Stapeley.*
S. Thomas Malleneret.	Col. *Downes.*
Sir John Bourchier.	*Mr. Norton.*
William Hevningham.	*L. S. Hammon.*
Alderman Pennington	*Mr. Leave.*
Henry Martin.	*Mr. Potter.*
Col. Purefoy.	*Mr. Garland.*
	Sir William Constable

Col. Ludlow.
Col. Hutchinson.
Sir Michael Livesey.
Mr. Dixwell.
Colonel Fleetwood of Bucks.
Mr. Main.
Jacob Temple.
Mr. Blagrave.
Col. White.
Col. Titchburn.
Col. Rous.
Mr. Screen.
Col. Lilburn.
Col. Deen.

Col. Okey.
Col. Hewson.
L. Col. Goff.
Cornelius Holland.
Mr. Carew.
John Jones.
Miles Corbet.
Mr. Allen.
Peregrine Pelham.
Col. Moore.
Mr. Eldicer.
Mr. Smith.
Mr. Edwards.
Mr. Clement.
Col. VVogan, &c.

His

His Majesties Reasons,

Against the pretended Jurisdiction of the High Court of Justice, which he had intended to have given thereon Munday Jan. 26. 1649.

Faithfully transcribed from the originall copy of the King.

SInce I have already made my Protestation, not onely against the illegality of this pretended Court, but that no power on earth can justly call me (who am your King) into question as a Delinquent, I would no longer have opened my mouth on this Argument, but have referred my self to those things which I then spoke, if this onely concerned my own particular; But the duty which I ow to God, to preserve the true liberty of my people,

doth not permit me at this time, I ſhould be ſilent; for how can any free born Subject of *England* call his life or any thing he doth poſſeſs his own, if power without law can daily make new, and abrogate the old and Fundamental Laws of this Land, which I judge to be the preſent caſe? Wherefore when I was brought hither, I expected that you would have ſtudied to ſatisfy me in thoſe Fundamentals which do hinder me from putting in my Anſwer to the pretended charge, but ſince I do obſerve, that nothing which I can alledge can perſwade you to it (although negatives are not ſo naturally proved, as affirmatives) yet I have thought good to declare unto you the Reaſons for which I am confident, you are not in a capacity to judge me, nor the vileſt man in *England*, for without

ſhow-

ſhowing my Reaſons, I will not (as you) be ſo unreaſonably importunate, as to exact either belief or obedience from my Subjects.

Here was I reſtrained, and not ſuffered to ſpeak any more of Reaſons, there is no juſt Proceſſe againſt any man, which deriveth not its authority, either from the Law of God, or from the municipall Laws of the Land.

Now I am moſt ſure, that the Proceſſe at this day made againſt me, cannot be confirmed by the law of God; for on the contrary the neceſſity of obedience is cleerely confirmed, and ſtreightly commanded in the old and new Teſtament; which if it be denyed, I am prepared preſently to prove it; and as for the queſtion now in agitation, it is ſaid there, *Where the word of a King is, there is power,*

and

and who can say unto him, what doest thou? Eccles. 8. v. 4. Then as to the laws of the land, I am as confident that no learned Lawyer will affirm, that any charge can be brought against the King, since they all go forth under his name, and it is one of their axioms, that the King cannot do an injury. Moreover the law on which you do ground your processe, is either old or new, if it be old, shew that law unto me, if it be new, tell me what Authority established by the Fundamentall laws of this land did give it birth and when? but how the House of Commons can erect a Tribunall of Justice, which was never one it self (as all Lawyers will confesse with me) I leave it to God and to the world to judge; and it will seeme most strange to any who ever have

heard

heard of the laws of *England*, how they can pretend to make laws without either the King, or the House of Peeres.

Nevertheleſſe it be admitted, but not granted, that a Commiſſion from the people of *England*, is able to confirm your pretended power, yet I ſee nothing that you can ſhow for it; for I am confident that you never asked that queſtion of the 10th man in the Kingdom; & in this method you do a moſt apparent injury, even to the pooreſt ploughman, if you ask not his conſent, neither can you pretend any colour to this your pretended Commiſſion, if you have not the concurring voyces of at leaſt the greateſt part of this Nation, of every degree and quality, which you are ſo far from obtaining, that I am confident you never ſo much as ſought it.

You

You ſee then, that I do not onely ſpeak for my own Right, as I am your King, but alſo for the true liberty of all my ſubjects, which conſiſteth not in dividing the power of Government, but in living under ſuch laws, and ſuch a Government, as may grant them the beſt ſecurity of their lives, and the propriety of their goods. In this I ought not to be forgetfull, neither do I forget the priviledges of both Houſes of Parliament, which theſe proceedings do not onely violate, but give an occaſion of the greateſt breaking of the publike faith; and ſuch (I believe) as the like was never heard of before, with which I will not at all, charge both Houſes, for the pretended crimes which they impoſe upon me, are far before the Treaty at *Newport*, in which when I aſſented to, and

did

did conclude as much as possibly lay in my power, and did justly expect the assent of both Houses, I was suddenly taken from thence and carried away as a prisoner, and against my will, I was hurried hither; and since I came to this Court, I cannot with all my Indeavours, defend the ancient laws and liberties of this Kingdome, together with my just priviledges, and as much as I can possibly discern, the upper House, which is the House of Lords, is totally excluded.

And as for the House of Commons, it is too much known, that the greater part of them are either imprisoned, or affrighted from sitting, so that if I had no other Cause, this was sufficient enough to make me to protest against the authority of your pretended Tribunall. Besides all these things,

the peace of the Kingdome, is not the least part of my cares, and what hope can there be of establishing it, as long as power reigneth without the Rule of the law; changing the whole frame of the Government under which this Kingdome hath flourished these many ages; neither will I speak what is likely to follow, if these unlawfull proceedings shall yet continue against me; for I believe the Commons of *England* will give you no thanks for this change, especially, when they shall call into their minds, how happily they heretofore have lived in the Reigns of Queen *Elisabeth*, and of the King my Father, and in my own Reign before the beginning of these unhappy tumults; and they will have a just cause to doubt, if they shall be so happy in any new Government.

In

In that time it will most evidently appear that I onely took up Arms to defend the Fundamentall Laws of this Kingdome against those who opposed my power, and totally would have subverted the ancient Government.

Having so briefly declared my Reasons to you, for which I could nor submit to your pretended Authority, without violation of the Trust which God hath committed to me for the safety and liberty of my people, I expect from you either clearer Reasons to convince my Judgement, by demonstrating to me that I am in an Error, (and then surely, I shall be ready to give you an Answer) or else, that you suspend your present proceedings.

This I had determined to have spoken in *Westminster* Hall on

Munday

Munday, the two and twentieth of *January*, but against Reason I was prohibited to pronounce my Reasons.

In the year 1648. *English* style.
1649. Vulgar style.

The End.

The Speech of King Charls *upon the Scaffold at the gate of* White Hall, immediately before the execution. *January* 30.

ABout ten in the morning, the King was brought from Saint *Jameses* Court, he did walk on foot through the Park, with a Regiment of Foot, one half before him, and the other behind him, their Colours flying, and their Drums beating, his private guard of Partisan with some of his Gentlemen did go immediately bare headed before him, and some part of them behind him; but those who were next of all unto him behinde, were Dr. *Juxon* and Colonel *Thomlinson*, to the last of whom the care and charge of his Person was committed, these two being barehead did talk with him all along the Park, and as you go

up the ſtairs into the Gallery, and ſo into the Cabanet chamber, where he uſed to lye, in which place, he continued at his Devotion and refuſed to dine, becauſe he that morning had taken the Sacrament, onely about one hour before he came forth he drank a Glaſſe of Claret wine, and did eat a cruſt of bread about twelve of the clock at Noon.

From thence he was accompanied by Doctor *Juxon*, Col. *Thomlinſon*, and other Officers formerly appointed to be his Guard, and with the private Guard of Partizans, with muſquetiers on either ſide, through the banquetting houſe, at the farther end, on the outſide whereof the Scaffold was erected, near unto the Gate of *White Hall*. The Scaffold was hung round with black, and the floore was covered with black, & the ax

and

and the Block laid on the middle of the Scaffold. There were severall Companies of Foot, and Troops of Horse placed on the one side of the Scaffold, and the other, and multitudes of people that thronged to see so rare a spectacle were very great.

The King was no sooner come upon the Scaffold, but he looked very earnestly on the Block, and asked Col. *Hacker*, if there were no higher, and then spake thus, directing his speech chiefly to Colonel *Thomlinson*.

I shall be very little heard by any of the people, I shall therefore speak a word or two to you who are here. Indeed I could hold my peace very well, if I did not think that my silence would make some men think, that I did submit to the guilt, as well as to the punishment; but I conceive it is my duty, First unto

God, and afterwards to my Countrey, to vindicate my self, as an honest man, a good King, and a good Christian.

I shall begin first with my Innocency; Introth I think it not very needfull for me to insist long upon this, for all the world knows that I never did begin Warre with the two Houses of Parliament, and I call God to witnesse, to whom I must shortly make my account, that I never did intend to incroach upon their priviledges: they began with me, It was the Militia they began upon, they confessed that the Militia was mine, but they thought it fit to have it from me, and to be short if any man will look to the Dates of Commissions, of their Commissions or mine; and likewise to the Declarations, will finde clearly, that they began those unhappy troubles, not I; so that as for the guilt of these mor-

mous crimes, which are laid upon me, I hope in God, that God will clear me of them.

I am in charity, I will not, and God forbid that I should lay it upon the two Houses of Parliament, there is no necessity of either; I hope they are free from the Guilt, for I do believe that evill instruments between them and me have been the chief cause of all this bloodshed, so that by way of speaking, as I find my self clear of this, I hope, and I pray God, that they may too; yet for all this, God forbid, that I should be so ill a Christian, as not to say that Gods judgements are just upon me. Many times he does inflict Justice by an unjust Sentence; this is ordinary; I will onely say, that an unjust Sentence, * *That I suffered to take effect, is punished now by an unjust Sentence upon my self. This is to shew you, (as I have said) how far I*

am an innocent man.

Now for to show you, that I am a good Christian, *I hope there is a good man*, who will bear witnesse with me, that I have forgiven all the world, and even those in particular, who have been the chief causers of my Death; who they are, God knows. I do not desire to know, I pray God forgive them: But this is not all, my Charity must go further, I wish that they may repent; for indeed, they have committed a great sin in that particular; I pray God with Saint* Stephen *that this be not laid to their charge; nay, not onely so, but that they may take the right way to the peace of the Kingdome; for my charity commands me, not onely to forgive particular men, but my charity commands me to indeavour to the last gasp the peace of the Kingdome. This Sirs, I do wish with all my Soul, and I do hope, (there*

* Poining at Doctor Juxon.

(there are some * who will carry it further) that they may indeavour the peace of the Kingdome.

* Turning to some Gentlemen who tooke his Speech in short writing.

Now Sirs, I must show you both how you are out of the way, and I will put you into a way: First, you are out of the way; for certainly, all the way in which as yet you have gone, as I could ever find out by any thing, is in the way of conquest; certainly this is an ill way, for conquest Sirs, in my opinion, is never just, except there be a good, just cause, either for matter of wrong, or to defend a just Title, and if in the prosecution of the quarrell, you shall go beyond this, it will make that unjust at the end, which was just at the beginning. But if it be onely matter of conquest, therein it is a great robbery, as a pirate said to Alexander, that he was a great robber, and that he himself was but a petty robber: and thus Sirs, I do

think

think, that the way you are in, is much out of the way; Now Sirs, for to put you in the way, believe it, you will never do right, nor will God ever prosper you, untill you give God his due, and the King his due, that is, in their course of time, my Successors, and untill you give the people their due; I am as much for them as any of you are. You must give God his due, by regulating aright his Church according to his Scripture; your church is now out of order, for to set you particularly in a way now, I cannot, but onely by a Synod of the whole Nation, who being freely called, and freely debating amongst themselves, may by Gods blessing settle the Church, when every opinion is freely and clearly discussed.

For the King indeed, I will not much insist—Then turning to a Gentleman whose cloak he observed

ved to touch the edge of the Ax, he ſaid unto him, *Hurt not the Ax*, meaning by blunting the the edge thereof, *for that he ſaid might hurt him.* Having made this ſhort digreſſion, he proceeded; *For the King, the laws of the land will clearly inſtruct you, what you have to do; but becauſe it concerns my own particular, I onely do give you but a touch of it.*

As for the People, truly I deſire their liberty and freedome, as much as any whoſoever; but I muſt tell you, that their liberty and freedome conſiſts in having of government by thoſe laws, by which their lives, and their goods may be moſt their own. It is not for them to have a ſhare in Government, that is nothing Sirs, appertaining unto them. A Subject and a Sovereign are clean different things; and therefore untill that be done, I mean, untill the people

ple be put into that liberty, which I speak of; certainly they will never enjoy themselves.

Sirs, It was for this that now I am come here; If I would have given way to an arbitrary power to have all laws changed according to the power of the sword; I needed not to have come hither, and therefore I tell you, and I pray God that it be not laid to your charge, that I am the martyr of the people.

In troth Sirs, I shall not hold you much longer, I shal onely say this unto you, that in truth, I could have desired some little longer time, because I had a desire to put this, that I have said into a little more order, and to have a little better digested it than I have now done; and therefore, I hope you will excuse me.

I have delivered my conscience, I pray God that you do take those courses, that are most for the good of

the

the Kingdome, and your own salvations.

Doct. Juxon. Will your Majesty although the affection of your Majesty to Religion is very well known; yet to satisfie expectation, be pleased to speak something for the satisfaction of the world.

King. *I thank you very heartily (my Lord) because I had almost forgotten it. In troth Sirs, my Conscience in Religion, I think is already very well known to all the world; and therefore I declare before you all, that I die a Christian, according to the profession of the Church of England, as I found it left by my Father; and this honest man* I think will witnesse it. Then turning to the Officers he said; Sirs, excuse me for this same, I have a good cause, and I have a gratious God, I will say no more.* Then turning to Colonel

* Pointing at Dr. Juxon.

Hacker,

Hacker he ſaid. Take care they do not put me to pain, and Sir this if it pleaſe you; but then a Gentleman, one Mr. *Clerk*, comming neer the Ax, the King ſaid, take heed of the Ax, pray take heed of the Ax: Then the King turning to the Executioner, ſaid, I ſhall ſay but very ſhort prayers, and when I ſtretch forth my hands ——. Then the King called to Doctor *Juxon* for his Night-cap; and having put it on, he ſaid to the Executioner: Will my hair trouble you? who deſired him to put it all under his Cap, which the King did accordingly by the aſſiſtance of the Executioner and the Biſhop; the King then turning to Doctor *Juxon* ſaid, I have a good Cauſe and a gracious God on my ſide.

Doctor Juxon, There is but one ſtage more, This ſtage is turbulent indeed,

indeed and troublesome, but very short, and which in an instant will lead you a most long way from earth to Heaven, where you shall find great Joy and Solace.

King, *I go from a corruptible to an incorruptible Crown, where can be no trouble, none at all.*

Doctor Juxon; You shall exchange a temporall Crown for an eternall one, it is a good change.

The King then said unto the Executioner, *Is my hair as it should be?* He then did put off his cloak, and his George, which he gave to Doctour *Juxon*, saying, *Remember* *. He immediately afterwards, did put off his Doublet, and did put on his cloak again, and looking on the Block, he said unto the Executioner, *you should make it to be steddie.*

It is thought to be delivered to the Prince.

Execut.

Execut. It is so.

King, *It might have been something higher.*

Execut. It cannot be made higher now.

King, *When I shall stretch forth my hands in this manner, then*—

After that, when standing, he had spoke two or three words unto himself, with his hands, and eyes lifted up towards Heaven; immediately stooping down, he laid his neck upon the Block, and when the Executioner had again put all his hair under his cap. The King said, *Stay till I give the sign.*

Execut. So I do, if it please your Majesty; and after a very little respite, the King did stretch forth his hands, and immediately the Executioner at one blow did sever his head from his Body.

Sic transit gloria Mundi.

THE PRESENT VVAR PARALLEL'D.

OR,

A brief Relation of the five years Civill Wars of Henry *the third, King of* England, *with the event and issue of that unnaturall War, and by what course the Kingdome was then setled againe.*

Henry the third of that Name, (a man more pious than prudent, a better man than King) swayed the Scepter of this Kingdome 56. yeares. The former part of his Reigne was very

calme, the latter as tempestuous.

The maine Tempest was thus raised, the King for many years during that high calm, had sequestered himselfe wholly to his harmelesse sports and recreations, and intrusted the whole managery of the *State* to his officers and Ministers. These taking advantage of his Majesties carelesnesse (the maine fault of this King) insensibly suck'd and drained the Revenues of Crown and Kingdome; till the King awakened by extreame necessity, began to enquire, not how hee came in (for his necessities would not permit that) but how hee might get out.

The best way that his evill Counsellours could finde to relieve their Master and save them-

themſelves, was (the ordinary way of ſupply in Parliament declined, to have recourſe to Monopolies, Patents, and other extraordinary and illegall Taxations. But (præter-naturall courſes are never long-lived) the free borne *Engliſh* would not long endure ſuch ſlavery.

When the King ſaw there was no other remedy, he throws himſelfe into the boſome of his people for reliefe and adviſe in * Parliament, * where they undutifully taking advantage of his Majeſties extremities, in ſtead of reliefe out-brave him publickly, with a * Catalogue of all the miſtakes, and all the misfortunes of his former government; which coming to the peoples eares ſoon ſtole away their hearts, and alienated their

* Antiently called the wood or mad Parliament ordinarily in Hiſtory ſtiled *infamum Parliamentum*, Fabian. * Gibert. Norwic.

* Like the Remonſt. of Decem. 15. 1641.

affections from their Soveraigne, and left him wholly to the mercy and will of his Parliament. They sensible hereof, and that the reines of Government were now cast upon their necks, (like *Apollo*'s Horses, when *Phaeton* had the driving of them) ran violent by courses, till they set the whole Kingdome on fire.

Mat. West. & Mat. Paris. So farre they went, as to make an Ordinance, *That whereas there was a present want of a through Reformation in the State, the Government whereof should be put into the hands of foure and twenty*, Qui Regia potestate suffulti, *who being armed with Soveraigne power, should take upon them the whole care and Government of the Kingdome, should nominate and appoint the Chancellour,*

cellour, Treasurer, Chief Justices, Governours of Forts, Castles and Navy, and all other great Officers and Ministers of State for all times to come.

To this traiterous Ordinance, the King, *Metu incarcerationis perpetuæ compulsus est consentire*, for feare of perpetuall imprisonment, was inforced to give his Royall assent: and for further security, to be content to give it under the great Seale, and upon Oath, that whensoever he attempted to assume unto him his Regall Power, *Liceat omnibus de Regno nostro contra nos insurgere, & ad gravamen nostram opem & operam dare, ac si nobis in nullo tenerentur.* It should be lawfull for all his Subjects to rise against and oppose him, as if they owed no allegiance to him.

Mat. West.

Chron. orig. sub sigillo.

Strange it is that he should be

Nil nisi pro umbra nominis habebatur. Mat. West.

content to be a meer Cipher, that so lately was the onely Figure of the whole Kingdome, that he should be content to part with at once with every tittle of Soveraignty, but the bare title! but prodigious, that so many choice Senators, so many Fathers and Judges of Law, and conscience, should so forget God and themselves, as to give their assent for the totall subverting of the Regall authority, when as they had all taken their corporall oathes, *De terreno honore dicto Regi & hæredibus ejus servando.* Which Oath was well kept (saith mine Authour) *Ordinando ne unquam regerent, sed semper ab aliis regerentur:* by making an Ordinance that they should never rule againe, but alwaies be ruled by others.

Mat. West.

These foure and twenty thus setled,

ſetled, continue the Parliament during their pleaſure, put the Kingdome into a poſture of Defence, place Governours of their own chooſing, Such as they could confide in, in the chief Forts, nominate and appoint Judges of Aſſize, Sheriffes of Counties, Coroners, Bailiffs, (diſcharging thoſe that were made by the King) Took an Oath of them all reſpectively. Regiſt. Roffen.

And here they would make the people believe they ſhould never be troubled with licentious Soveraignty againe; (But never more as it proved: (for now every one of them began to value his owne worth, and to hammer his head on every deſigne, that might enlarge his own power and command. In brief, of ſo many Subjects they became *totidem tyranni*, as the book of

Saint *Albanes* ſpeakes) ſo many Tyrants, and for one bad King before, they have four and twenty worſe.

But *England* (like old *Rome*) cannot long endure more Kings than one: great faction and deadly feud aroſe between the chieſeſt of them; which the reſt taking into conſideration, and perceiving that by ſo many heads, not onely Monarchy was diſſolved, but Faction and debate every day increaſed upon them, ſo wrought, that all, but five, agreed that the foreſaid Ordinance ſhould be repealed, and the King reſtored to his priſtine power.

But thoſe five Members ſtiffly oppoſe this agreement, and for the maintenance of their cauſe, *trahunt multos pſeudoprophetas, lupos in ovium veſtimentis, qui*

contra

contra Christi Vicarios, & Christum Domini Regem ipsum murmurant, non ut spiritus sanctus eloqui; sed ut superioris potestatis contemptores obloqui dabant: they drew to their side many lying Ministers (Wolves in Sheeps cloathing) who murmure and speake evill against the Lords anointed, not as the Holy spirit gave them utterance, but as the despiser of dignities gave them their Lessons.

M. Westm. Preaching that Religion could never be throughly reformed, or the differences fully composed, *sine gladio materiali*, and that all that should lose their lives in this cause were Martyrs. *Rishang.*

These Incendiaries by their Sheeps cloathing (a fair conversation) drew the people every where to side with them against the King, and those that wisht the King his former power. Which the King perceiving, and how the multitude grew every day more and more tumultuous, (for all things were now carried by tumults) was advised by his Privy Coun- *Chr. Dunst.*

Councel to withdraw himselfe (lest His person might be endangered) from the Parliament (then held at *Westminster*) to His Castle of *Windsore*.

After some contestation at this distance, it was agreed upon by the King and his adherents, and the five members and their adherents, that the difference should be referred to the *French* Kings arbitrement. * The King of *France* upon the day of hearing, gave sentence that the said Ordinance, whereby the King was deprived of his Regall power, should be made null.

*Rishanger

The five members and their complices seeing this, notwithstanding (they had bound themselves by oath to stand to his award) flew off, and resolving to have their owne wills, drew into arms, made choice of the Earl of

Leicester

Leicester for their General (and for their owne private interest, pretending the publick good) drew the greatest part of the Kingdome after them, * so easie it is to draw the fickle multitude to the wrong side) crying every where at first, *Liberty and Religion*, though towards the end of the Warre not a word of either. * *Cotton.*

By their faire pretences, they gained so farre upon the *Londoners*, that they generally enter into a Covenant to assist the Earl: For which purpose (besides a new Major or Bailiffe) they chose two Commanders, *Thomas Pywelsden* and *Stephen Buckerell*, at whose command, by the towling of Saint *Pauls* great Bell, they were to be in armes upon any occasion. Their first exploit was a march to *Isleworth* in a tumultuous manner, where they plundered *Hollinsh.*

dered and fired the Kings brothers Mannour house.

The Earls Army by this time on their march, plundered all that were dis-affected to their cause and proceedings, and imprison'd them: especially those that stood any way affected to the Queen: for they all (but most of all the Londoners) were most maliciously bent against her; insomuch that as she was passing the *Thames* near the bridge, a rude Rabble of the City got together on the bridge, and with confused yellings cryed, *Drowne the Witch, &c.* and by throwing dirt and stones at her, drave her back: which impious affront was punctually remembred in the first fight; as you shall heare anon.

*Rishanger

For dissuading the King to stand to the aforesaid Ordinance of Parliament.

Besides this maine Army under the Earle of *Leicester*, they had another Army under the command of

*Rishanger

of the Lord *Ferrers*, of (whom descended the late Lord of *Essex*) who behaved himselfe insolently towards the King, in destroying his Parks as he marcht, *&c.* which in the conclusion cost him dear: yet to delude the people, the main Army bore before them the Kings Armes, and to shew they were for the King, when they had displaced the old Governours of the Kings Castles and Forts, and placed in such as they could confide in, they gave them an Oath to be true to the King, and to keep those Holds to the use and benefit of the King and State; yet when the King demanded entrance into one of his Forts, wherein they had placed a Governour, he was kept out. *Dover Chron. Dunst.*

At Sea the Barons of the Cinque-ports seised the Kings Ships, took great Prizes, but they that

that ſate at the Stern upon Land, ſhared in thoſe Prizes as the ſame then went.

By this time the King began to rouze himſelfe, and finding nothing now left him, but a good Cauſe, and the hearts of his wiſer ſubjects, yet by that and theſe, and the aſſiſtance of his Brother *Richard*, King of the *Romanes*, in a ſhort ſpace he had raiſed a conſiderable Army. (A King can never be ſo down, but he will riſe againe) with theſe he marcht (and like a ſnow ball encreaſed by motion) plundering the Rebells lands as he went to *Northampton*, which was fortified againſt him by ſome of the chiefeſt of the Rebels; yet by a furious aſſault he ſoon gained it.

Thence continuing his march into *Suſſex*, near *Lewes*, he received a Meſſage from the Earl, the

tenour whereof was, That as for his Majesty they intended no harm against him, but onely desired that he would remove his evill Counsellours that did advise his Majesty against them, against the honour of the King, and welfare of the Kingdome. The King in his Answer charges them with Rebellion and disloyalty, and commands them to lay downe their arms, and to returne to their obedience, that they might be received to mercy: but the Earl rejecting the offer (* when Subjects have once broken their fealty and trust to their Soveraigne, they never dare trust their Soveraine againe) resolves to give the King battell.

* *Camdens* Observation in the case of *Robert* Earl of *Essex*.

Near *Lewes* both Armies meet: One wing of the Earls Army was made up of *London* troops, which the Prince being then Gene-

Generall of the Kings Horse, observing and remembring, (not without indignation) the abuse offered by the *Londoners* to the Queen his Mother, he claps spurs to his Horse, and all his Cavalry after him, crying, [*Here, here,* (my brave Cavaliers) *are the main contrivers of all Rebellions and mischiefe; Now, now, if ever charge home,*] and so fell on with that fury, that they presently flye: the Prince in an eager and hot pursuit does great execution upon them for foure miles. But this prosperous beginning of the Fight on the Kings side was the utter overthrow of the Kings Forces, for when the Earl perceived that the Prince, (a young fiery Spirit) with all the Kings horse was gone so farre in pursuit of the *Londoners*, he fell violently on the Kings Foot, & soon routed them,

Equites, hæc hæc seditionum sceleruṁque omnium capita sunt, nunc, nunc fortiter adjicite tela.

them; took the King (his horse being slain under him) prisoner. The Prince at length retreating, (when he saw all lost) surrendered himselfe. There were taken in this fight (besides those royall prisoners, the King, the Prince, the Kings brother, and his eldest Son) above twenty Noblemen that were for the King; and slain about * 3400.

*Southwel.

The Earl having thus gotten a compleat victory, forthwith endeavours to seize all the *Militia*, and power of the Kingdome, for which end he carries the King about with him to countenance his actions; but the rest of the royall prisoners he disposes in severall Garisons.

Rishang.

And now the Earl believes all his own, and the people dream of nothing but Peace, but alas the Warre was not begun till now:

For when the torne remainder of the loyall army that escaped at *Lewes*, now keeping Garison in *Bristow*, and other noble spirits saw how insolently the Earl dealt with his and their Soveraigne, in barring him of his liberty, *&c.* They soon raised a considerable power under the command of *Roger Mortimer* Earl of *March:* unto whom many flockt out of *Shropshire*, *Cheshire*, *Herefordshire*, and *Worcester*, that were well affected to the King.

Moreover the Queen (who was a *French* woman) got over beyond Sea, to try her friends for their assistance to restore her Husband to his former liberty and authority, *Quod ad laudem & magnificentiam Æleonoræ Anglorum Reginæ libet intexere* (saith one of that age) *quod Dominæ suæ, & Edwardo filio tam strenuè*

& tam diriliter tunquam virago potentissima succurrendis fortiter insudaverit.

But before these Forces were well united, the Rebels Forces were as well divided: for debate arising (as is usuall in all confederations, where all parties must be pleased, or else the knot will dissolve) betweene his Excellency the Earl of *Leicester* and the Earl of *Glocester*, because his Excellency, minding his owne private, more than the publick good of his fellow Rebells (without any respect had to his adjutants) ingrosses all to himselfe, disposes of the royall prisoners at his owne pleasure, seised on the revenues of the Crown, and composition of Delinquents for his own use, (whereas they had privately agreed before, *Ea omnia æquâ sorte inter eos dividenda fore*)

In brief, he ſhared all places of Power and Profit betweene Himſelfe, his Sonnes and his Allies. Whereat *Gloceſter* (as good a man as he) ſtomack'd and fell off with his followers to the Prince, who by this time (*diſponente Domino clavigero carcerum*, every thing working for the King) had made his eſcape out of Priſon at *Hereford:* (for being allowed by his Keepers to aire himſelfe ſometimes on Horſe-back in the Town-Meadow, after he had tyred two or three, at length he mounts a ſpeciall flight Nagge, and putting ſpurres *Cuſtodibus valedixit*) and came ſafe to *Wigmore* Caſtle, where the Lord *Mortimer* lay with his Forces raiſed for the *KING*, ſo marched on with a great power, taking in, as they went, ſome ſtrong Gariſons of the Rebels, plundered their Houſes, drave

drave their Cattell, &c.

Here the Warre grew hot, each ſide fortifying Towns, plundering and driving all round about to ſtore the Garriſons: Mens houſes (which were wont to be their own Caſtles) were now made Caſtles, but the owners were leaſt maſters; all left to the mercy of the rude Souldier, the poor Countrey-mans dwelling-houſe pillaged every where and ſearch'd * *uſque ad lectorum ſtramentum*, to the very bed-ſtraw: nor onely mens houſes, but even Gods houſes, the very Churches were not free from the prophane hands of plunderers; the high wayes lay unoccupied, no paſſing from Town to Town without danger of robbing.

* Riſhanger

When the Prince, the Earl of *Gloceſter*, the Earl of *March*, with the reliques of the Royall Ar-

my were united and well order-ed, they resolved to give his Excellency (the Earl of *Leicester*) battell: At *Evesham* in *Worcestershire*, by a speedy and unexpected march they came upon him. The Earl seeing himselfe engaged to fight, gave order that his owne coat-armour should be put upon the King, who was then a Prisoner in the Army, and that the King for the safety of his person (forsooth) should be placed in the front of the battell, that so if the battell went against him, the King might be aimed at as Generall, and his Excellency thereby make his escape. But the King at the first Charge called out to the Loyall Army, that he was their King, and so was preserved; yet not without the losse of some of his owne, (being wounded by a Javelin) as well as his

his Subjects blood: the battell was very violent, and went sore against the Rebells; at length the Earl himselfe (the head of this Rebellion) was cut off; at the instant of whose death there happned such extraordinary lightning, and thick darknesse, that it struck a generall horrour and amazement into the hearts of the Rebells, as if the King of Kings would now at last visibly revenge the Kings quarrell, or as if they had seen Gods immediate hand against them, as once against *Corah*, and the 250. Assembly men, *Num.* 16. *v.* 35. for the like rebellious practises.

In this signall Battell were slain (besides the Earl and his Son) sixteen Lords and Knights, and about ten thousand more of the Rebells part.

The Earls Corps was strangely

though not undeservedly) handled by the people, who were so inraged against him, the chief actour and author of their so much mischief and misery, that (in despight of him) they lopt off his head, hands, feet, and privy members, and sent them (in scorne) for tokens to severall places; his body was buried in *Evesham* Church. Notwithstanding this, there were many ignorant people (who had been by specious pretences abused, and seduced to that side) that were of opinion for a long time after, that he dyed a Martyr, because it was in defence of their holy (as they thought, but indeed impious) Covenant and Oath.

Two of the Earls Sons were at the same fight taken prisoners: not long after they made an escape out of Prison, but could not

escape

escape Gods vengeance on Rebels; for in *France*, *In miseriis dies suos finiverunt*.

The Countesse being banished, died a Nunne in *France*. All the Earls Honours and Possessions were conferred upon *Edmond* Earl of *Lancaster*, the Kings second son. And thus ended this great fiery Meteor in a stench. Thus fell our English *Cataline* (as M. *Cambden* styles him) a man in shew fair and honest, but indeed, *Vir pravo ingenio, & profundâ perfidiâ*: of a perverse disposition and treacherous beyond any mans suspition; after his Soveraigne had heaped upon him many high favours, as the Earldome of *Leicester*, and that high and honourable office of Lord high Steward, and (to endear him the more) had given him his own Sister in marriage; in token of

thank-

thankfulnesse, he doth his utmost endeavour to diminish the Kings known authority, to subject him to the wills of his Subjects to pull down Monarchicall government, and set up a factious Oligarchy, and all under that faire common pretence of restoring Religion to its purity, and the People to their liberty.

The King thus happily preserved, and almost miraculously (all things considered) set at liberty; about a Month after calls a Parliament at *Winchester*, no more at *London*, (untill it was more loyall and lesse tumultuous) where by a full Convention it was enacted, *That all Statutes and Ordinances made by the former Parliament (called* the wood or mad Parliament) *should be repealed, & all writings and bonds then sealed by the* King, *for observing the same, should* be

Fabian.

be cancelled and made voide That the City of London, ob suam Rebellionem, *for this her Rebellion should be deprived of all her ancient Priviledges and Liberties, and the Ringleaders of them,* Juxta voluntatem ipsius Regis plecti, *to suffer such punishment as his Majesty was pleased to inflict:* Et ditiores Civitatis in carcerem truderentur (*saith* Math. Westm.) *Pro eo quod Simoni, in Regis contemptum, & etiam damnum Regni, fortiter adhaserint:* that the wealthier Citizens should be cast in Prison, because they had in contempt of his Majesty, and great dammage and mischiefe of the Realme assisted the Earle. Furthermore it was there enacted that all such as had favoured the Rebells (were they now in Prison, or Large) should forfeit all their Estates.

Rishanger.

After

Afterward the King marcht with a great power to *Windſor*, reſolving (as the fame then went) to deſtroy the whole City of *London*: many of the Rabble and wild Commoners (ſaith *Fabian*) were as reſolved to defend the City againſt him: but the wiſer ſort thought better to become humble Petitioners for their pardon of what was paſt, than to incenſe his Majeſtie any farther; and to that end drew up an humble Petition, and preſented it to the King: but their late rebellious carriage had ſo farre provoked his Majeſties patience, that he would not ſo much as admit of their Petition, or hearken to any that endeavoured to mediate for them.

Hereupon they were adviſed to draw up an inſtrument or writing, whereby they ſhould yeild them-

themſelves wholly, both bodies and goods to the Kings mercy, which was done accordingly, and ſealed with the common Seal of the City.

His Majeſty upon earneſt ſuit unto him, accepted hereof, giving preſent expreſſe command, that all the chains and Poſts, which they had placed at every ſtreet and lanes end, ſhould be forthwith carried to the Tower, and that the Mayor and fourty of the chief Citizens ſhould repair unto him the next day, and confirm their ſaid writing; this was done, and they all came accordingly; but (contrary to their expectation, though not deſerts) were all delivered into the cuſtody of the conſtable of *Windſor* Caſtle, and ſhut up there in a large Tower, where they had ſmall chear, and worſe lodging. The next day

toward

toward night, all (but five whereof the Major was one) had their enlargement. Those five their bodies and goods, were as a boon bestowed on the Prince, the rest were commanded to attend at *Windesore* for a long time after.

Sixty or seventy wealthy Citizens with all their Land, Goods, and Chattells, did the King dispose to his houshold servants.

For the Government of this unruly City, the King appointed one *Otho* a forreigner, or stranger, first Constable of the Tower, and then *Custos* or Warden of the City, to pull downe their haughty spirits, and that his Peace for the future might be surely kept, he requires the best mens Sonnes in the City for Hostages, these he clapt up in the Tower, and caused them to be there kept at the cost and charges of their Parents.

Daily

Daily ſuit was made unto his Majeſty for his Pardon and Favour, but in vaine: then they Petition the King to know his gracious pleaſure, what Fine he would demand of the whole City, for their offences againſt him. The King at length ſignified unto them that the ſumme of fifty thouſand Marks ſhould be their Fine. Whereto the *Londoners* returne this humble anſwer. They had been of late by this unhappy Warre, ſo exceedingly impoveriſhed, that a ſumme ſo great, (as it was in thoſe times) could not poſſibly be raiſed amongſt them; wherefore they humbly beſeeched his Princely compaſſion might be ſo far extended towards them, as to require and accept according to their abilities. At length, after much ſuit and ſubmiſſion, and a Fine of twenty

thou-

thousand Marks, the King received them to mercy, and sent them under his great Seal a generall Pardon (those onely excepted, whose Estates were already bestowed) granting and allowing, that their former Charter and ancient Priviledges should be restored unto them, *notwithstanding all the transgressions* (they are the words of the Pardon) *and Trespasses done to us, to our Queen, to our noble brother* Richard *King of* Almain, *and the Prince our first begotten sonne.*

And here was the first pacification betwixt the King and the *Londoners*, for whom we say thus much, *That their foule Rebellion against their Soveraigne, was not more detestable, than their humble submission to their Soveraign was commendable.* And therefore in the Ordinance, called

called *Dictum de Kenelworth*, made for the ſettling of the Kingdome, we finde them (notwithſtanding all their Diſloyalty) commended, as ſhall be ſeen in the enſuing Story.

After the proud ſtomack of this City was brought downe, and all tumultuous ſpirits quelled, the King calls his Parliament (*in feſto ſancti Edvardi Regis*) to *Weſtminſter*, wherein thoſe that aided and aſſiſted the Earl, were all (excepting the Londoners) attained, and that all their Lands and Goods were forfeited.

But this Sentence (though it was leſſe than they deſerved) yet was more than they would endure, and therefore the fire (that was not yet quencht, but ſmothered) breaks forth again. Some flie into the Iſle of *Ely*, and fortifie that. Some into the Iſle of *Axholm* in

Lincolnshire. Another party possesse themselves of *Killingworth* Castle. Another under the command of the Lord *Ferrers* in the Northern parts. And amongst others, one *Adam Gurdon* lived as an Outlaw *in Hampshire* (a *tum rarus aut nullus locus in Anglia fuit tutus, eò quod terra erat vespilionibus plena.* Now scarce any place in *England* free from plunderers.

To reduce these to obedience, the King undertakes *Killingworth* Castle. The Prince was sent against *Adam Gurdon*, Lord *Edmond*, the Prince's brother, against those in *Axholm*; and Lord *Henry* King of *Almains* sonne, against the Lord [b] *Ferrers.*

To the Rebells in *Killingworth* Castle the King sent first a gracious Message, willing them to desist, and to return to their obedience. But they contrary to all Law

a *Kishanger*

b This Lord *Henry*, the K. Nephew was a valiant Souldier, and having found out the L. *Ferrers* at *Chesterfield*, gave him battel, and overthrew him, and because he had been pardoned once before it was decreed that he should be degraded, and deprivd of the Earldome for ever, and fined fifty thousand pounds.

Law of Arms, contrary to naturall civility, cut off the Messengers hand, and sent him back with an uncivill answer. Then the King marcht to *Killingworth*, and sate down before it upon Midsummer Eve. During the siege (which lasted six moneths) *Clerus & populus convocantur, & duodecim eliguntur de potentioribus Procerum, & prudentioribus Prælatorum, quibus datur potestas ordinandi super Statutum exhæredatorum, &c.* The Clergie and Laity are assembled, and out of the chiefest of the Peerage, and wisest of the Prelates were chosen twelve, to whom power was given to pronounce sentence against the Rebels, and to settle the Peace of the Kingdome; they, first taking an Oath, *de utilibus ordinandis*, to decree nothing but what should be for the good of the common weale.

Then the people take a ſolemn oath, *Quod dictum ipſorum inviolabiliter obſervarent*; that they would ſtand to their Decree, which to this day by our Lawyers is called, *Dictum de Kenelworth*; a ſevere, yet a good and wholſome courſe (without effuſion of blood) to puniſh Rebellious Subjects.

The Decree was as followeth,

Dictũ de Kenelworth

In nomine ſanctæ & individuæ Trinitatis, Amen. Ad honorem & gloriam Omnipotentis Dei Patris, & filii Spiritus ſancti, &c. *Et ad honorem & bonum proſperum & pacificum ſtatũ Chriſtianiſſimi Principis Domini Henrici Regis Angliæ illuſtriſ. & totius Angliæ Eccleſiæ, Nos Wilielmus, &c.* In Engliſh thus.

In the name of the holy and individuall Trinity, Amen. For the honor and glory of Almighty God, the Father, Son, and holy Ghoſt, *&c.* And for the honour, proſpe-

prosperity, and peace of the most Christian Prince our Soveraigne Lord *Henry*, the most Renowned King of *England*, and of the whole Church of *England*, We *William Exon*, *William Bath* and *Wells*, *Henry Worcester* and T.S. *Davids*, Bishops. *Gilbert de Clare* Earle of *Glocester*, *Humphrey* Earl of *Hereford*, *Philip Basset*, *John Bailof*, *Robert Wallop*, *Alan de la Souch*, *Roger de Somerie*, and *Warren de Basinghorn*, providing for the welfare of the Land, *&c.* have thought fit to order as followeth.

1. That the rebels be not wholly deprived of their estates, but shall have liberty to redeem their lands by Fines in manner following.

1. That those that were in the fight at *Chester-field* against our Soveraign Lord the King.

Item. All those that by force of arms impiously kept *Northampton* against the King.

Item, Those that gave the King battel at *Lewes*.

Item, Those that were taken prisoners at *Kenelworth*.

Item, Those that came to pillage *Winchester*, or were elsewhere against the King, whom the King hath not pardoned.

Item, Those that gave the King battel at *Evesham*.

Item, All those that freely and voluntarily and without any compulsion, have contributed to the Warre against the K. or Prince.

Item, The Officers and servants of the Earl of *Leicester*, that pillaged their neighbours, or were the cause of any murders, firings, or other enormities, that all these be fined five years Revenues of all their Estates respectively: and that if they pay down their Fines presently, they may enjoy their Lands presently: but if the land must be sold for the payment of

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the Fine, he, on whom the King beſtowed it, ſhall have the refuſall if he will give as much as any other. And if the originall owner, will pay down the whole Fine, he ſhall have the whole land; and likewiſe if he will pay the moity, or third part, he ſhall have the moity or thirds of the Land. And if at the end and term appointed, the owner doth not pay for the other moity, it ſhall be clearly theirs on whom the King was pleaſed to beſtow it.

And aſſoon as any one hath paid down his whole Fine, ſuch ſhall have liberty to let, or ſet, or ſell his land within the prefixed time.

Thoſe that have woods and would willingly make ſale of them for the payment of their Fines; He, on whom the King beſtowed, and the originall owner ſhall have each one his Bailiffe to

ſee it ſold: and thoſe two Bailiffes ſhall (as faſt as the money is made) pay it to whom the Fine was given by our Soveraign Lord the King: this payment muſt be made within three yeares at the fartheſt.

All Officers and Reformades that were knowne to be common Plunderers, and made it their buſineſſe to plunder, if ſuch have no Lands, but onely Goods, they ſhall be fined one moity of all their goods, and ſhall finde ſufficient ſureties, that they ſhall keep the peace of our Soveraigne Lord the King, for the time to come. They that have nothing ſhall be ſworn upon the holy Goſpell, and find ſufficient ſureites, that they will keep the Kings peace for the time forward, and ſhall make ſuch ſatisfaction, and do ſuch penance, as the holy Church ſhall cenſure,

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excepting onely banished persons, who are wholly left to the will and pleasure of the King.

2. Moreover, as for Wards or young heirs, (that were in actual Rebellion against the King during their minority) their Guardians shall pay their Fines, and the said Wards (when they come to age) shall pay back the same to their Guardians within two or three years, so that the Guardians shall have the Wardship and their Marriages (without disparagement) even till they be come to full age, and all Wards shall pay their Fines after the same manner, as those of full age. Onely the Kings own Wards shall be in the hands of those, to whom the King shall give them untill they come to years, and then they shall pay dewne their Fines according to the same manner as those

of

of full years; provided alwayes that there be no waste made by the Guardians upon their estates; If there be, then the Guardians to be punished according to Law.

3. If any that were for the King before and since the battell at *Lewes*, be now fined for not assisting the Prince (when he was raising arms to rescue his Father,) we leave him to the King to be censured or pardoned, as he shall thinke fit.

4. That there be no sale or waste made of any Woods by those on whom they were bestowed, unlesse the Fine be not paid within the time limited. Onely it is allowed that they cut so much as is necessary to keep the houses in reparations; and if they shall exceed this allowance, to be severely punished.

5. If any be thought to be dangerous

gerous persons, and that they are like to move sedition, and to revive the Wars; let the King secure their persons as he shall think fit, either by sending them into forrein parts for a time, or what other way shall be thought expedient; provided alwayes, that if they be thereby hindered from paying their Fines, they shall not forfeit their Estates.

6. That if any will not submit to this Ordinance, he be left to be censured at the Kings-Bench-Bar, before the Feast of St. *Hillary* next coming. All those that live in forrein parts, shall finde sureties (according to the Lawes and customes of those States) to live peaceably, otherwise that they shall not be received in a peaceable manner.

7. Whereas the Kings Majesty is engaged to many that served him

him in his Warres, and faithfully ſtuck to him, whom he hath not yet ſufficiently rewarded, and ſome have been rewarded above their deſerts, we deſire that the King take ſpeciall care, that out of Delinquents Eſtates they may be all rewarded to the full, leſt otherwiſe a new War ſhould be occaſioned.

8. That the Kings Majeſty be graciouſly pleaſed to make choice of twelve able men that may be authoriſed to ſee all this punctually and faithfully performed, and that the Kings Majeſty, his Heirs, or Succeſſours, take care that it be all firmly obſerved and maintained, and to inquire into, and regulate and ſee duly executed, what ſhall be by the ſaid twelve men ordered according to reaſon and equity.

9. That all Farmers and renters

of

of Lands that were againſt the King, ſhall loſe their Farmes for all the terme or time of their Leaſes that are to come, provided that the Landlords be no waies endammaged) and when the term of their Leaſes are out, then to returne to the Landlord againe.

10. As for Caſtles and Forts built by the Kings grant and allowance upon any Delinquents ground, contrary to the will of the ſaid Delinqnent; We decree that (after the owner of that Land hath paid his Fine, which muſt be within three years) for ſixe yeares more the owner of that Land ſhall pay ſuch cuſtome as was impoſed by the King, or elſe accept of a reaſonable exchange for the Land.

11. All Lay-men who notoriouſly advanced the Earls deſigns, and aſſiſted him or his adherents, *Attrahendo homines per mendacia*

&

& falsitates parti Comitis & suorum, & detrahendo parti Regis & filii sui, by drawing people through lyes and falsities, either to the Earle and his party, or from the King and his party; it is ordained that they be fined as much as two yeares Revenues of all their estates.

12. That all such as were pressed; or out of feare went to the Wars, but never fought against the King, or did any mischiefe; also those that being not able to goe themselves, yet by force and feare were compelled to contribute towards the Army against the King, or Prince, or did any mischief, also those that were informed to be plunderers, or to aid and assist any plunder-masters, and yet did return to their habitation as soon as conveniently they could, be all left *In misericordia Domini Regis.*

13. That

13. That all those that wittingly bought any plundered goods, restore the value of the goods, and be in *misericordia Domini Regis*; because they thereby have offended against the Law, and done contrary to the Kings expresse command, set for halfe a yeare before.

14. That all those that are at the Earls cōmand went into *Northampton*, yet never gave the Rebels their assistance, or made any resistance, but as soon as they perceived the King coming, took Sanctuary (provided that this be attested by the Oaths of good and lawfull men) likewise those that owed no suit or service to the Earle, and yet came upon his command, be all fined halfe a yeares revenue of every one respectively; but those that held of the Earl in Fee, let them be only in *Misericordia Domini Regis*.

15. That

15. That impotent ſilly people, and all ſuch as did no miſchiefe, may enjoy their Eſtates as formerly, and recover dammages at the *Kings Bench*, againſt thoſe that ſhall wrong them.

16. Thoſe that accuſe any of their fellow ſubjects out of malice, be puniſh'd at the Kings pleaſure, and that his Majeſty thence forward, doe not eaſily give credit unto them: And we judge that they deſerve the ſame puniſhment as the accuſed, if the accuſation were true, provided that they loſe not life, limbe, or Eſtate.

17. That all ſuch as are accuſed upon meer malice, may ſtill enjoy their eſtates, and recover dammage againſt their accuſers in the *Kings Bench*, as aforeſaid.

18. That all women enjoy their owne Iuheritances and Dowries, but thoſe Lands that came by

their Husbands, who have beene against the King, shall be redeemed by a fine; according as his Majesty shall impose upon them, *&c.*

19. That all such as are acquitted (so it be by those that have authority to acquit them) remain and stand in such a condition as they are put into; and that all that have paid their Fines, shall not be responsible for dammages and trespasses committed by them upon those, against whom they fought in the time of the late troubles, but that all dammages and trespasses be forgiven on both sides; Provided that the Church may have her dues.

20. That because it may be of dangerous consequence, that any Castles should remaine in the power of those, who were in actuall Rebellion against the King; We therefore decree and ordaine,

that for the Castles of *Hardley*, *Bytham*, and *Chertsley*, there be given a reasonable exchange.

21. As for the Earl *Simon Monfort* his Countesse, and his Sons, we decree nothing, because our Soveraign Lord the King, hath referred them, and their offences to the King of *France*.

22. As for the City of *London* (taking notice, it seemes of their humble Submission) we commend it, and doe make this motion to our Soveraign Lord the King, that by the advice of his Privy Council, he take order for reforming the state of the City, and settle their Lands, Revenues, Buildings, and Liberties, and that this Order be presently debated.

23. For the L. *Ferrers* we decree, that he be fined seven yeares revenues of all his estate.

24. That all that now keepe

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Killingworth Castle be pardoned except *Henry Hastings*, and those that had any hand in cuttting off the Kings Messengers hand, all which shall be Fined seven yeares revenues, of all their estates, or else submit themselves to the Kings mercy.

25. That all men whatsoever endeavour to keep the peace of the Kingdome, that none presume to commit any outrages, firings, murders, robberies, or by any other meanes breake the Peace. Which if any shall be so hardy, as not to observe, and be thereof lawfully convicted, let him have sentence according to the Lawes of the Land.

26. *Item*. That all whom it may concern, take their oathes upon the Holy Gospell of GOD, that they will never take any Revenge, be accessory, or consenting to take

any revenge, nor will suffer (as much as in them lies) that any revenge should be taken against any one for any injury suffered in the late times of trouble, and if any one shall presume to revenge himself, We decree that punishment be inflicted upon him in the *Kings Bench Court*.

27. That the *holy Church* receive full satisfaction from those that have injured her.

28. But if there be any that will not submit to this Ordinance, or refuse to be tryed by their Peers before our Soveraigne Lord the King, let them forfeit their Estates for ever. And if there be any that have gotten possession of the Rebels Lands, and were himselfe a Rebell, he is thereby uncapable of chalenging any right to the Land, or to have any title to the Fine by the Kings Majesties gift.

29. Who-

29. Whosoever will not submit to this Ordinance, let him be accounted a profest enemy to our Soveraign Lord the King, and to his Sons, and to the whole Realm, and let all the Laiety and Clergy (as farre as the Canon Laws and Common Laws will reach) prosecute such an one as an enemy to the Peace of Church and State.

30. Lastly, that all those that are imprisoned, or any way debarred of their Liberty, upon reasonable and competent security, shall have their inlargement, by putting in Sureties, or such other way as the King hath allowed.

Dated and set forth from the Camp before Kenelworth *the last day of* September, * *in the year of our Lord God*, 1266. *and of the Reign of the most renowned King* Henry *the third*, 51.

* About the end of *October* the King assembled all the Lords spiritual and temporall & Knights of Shires to *Northampton*, where this Decree was confirmed by Act of Parliament.

Thus ended that famous Or-

dinance called to this day, *Dictum de Kenelworth*; wherein are comprised the wisest rules that the wisest men of those times could possibly devise, to uphold, compose and recover a tottering, distracted, dying Kingdome..

About two Moneths after the publication of this Ordinance, *viz.* upon S. *Thomas* Eve, the Castle was delivered up, upon conditions (too good for those that had so barbarously used the Kings Messenger, contemned the King, and impoverished the Countrey) to march away with their goods, and to undergoe no Fine for taking up Armes.

The Barons of Cinque Ports seeing the King prosper, made their peace with the King.

This Castle had the K. bestowed upon the Earl of *Leicester* in frank matriage with his Sister *Ælionor*; but when the Earl by his Rebellion had forfeited, and the King had now won it, he gave it to his

owne

own ſon *Edmund* Earl of *Lancaſter*, who by this time had reduced the Iſle of *Axholm*, and all thoſe rude ignorant people, that flockt thither, pillaging and plundering the Kings friends round about.

The Prince alſo met with *Adam Gurdon*, a famous ſturdy Rebell that lay lurking in *Aulton* Wood in *Hamſhire*, robbing and ſpoiling the adjacent parts, *præcipuè terras eorum qui parti Regiæ adhærebant*; the Prince upon his approach, hearing of his valour, ſent him a challenge for a ſingle Combate. *Gurdon* accepts it, and performed it ſo Gallantly, that the Prince aſſured him of his life and eſtate, if he would ſubmit: which he did, and was received into great favour with the Prince; but divers of his men were there executed. *Riſhanger.*

But now the Iſle of *Ely* was

ſtrongly fortified by a great multitude got together, that refuſed to ſubmit to the Ordinance of *Kenelworth*. Upon the naturall ſtrength of this Iſle, and the plenty of all Proviſion therein, ſeditious Rebels have often preſumed, and from hence have moleſted more Kings than one, as they did now the neighbouring Counties, robbing and pillaging *Norfolk*, *Suffolk* and *Cambridgeſhire*, plundering the City of *Norwich*, and carrying away the richeſt Citizens, made them redeeme themſelves: at length a Meſſage was ſent unto them requiring them to ſubmit to the Ordinance of *Killingworth*, to leave off robbing their fellow Subjects, and to returne to their allegeance: Hereto they returne this inſolent anſwer, That *they had taken up armes to defend the good of Church and State*, *and*

and therefore ought to be restored to their Lands without paying any Fine. In brief, they require Hostages into the Island, and that they might hold it five years peaceably, till they saw how the King would perform his promises, (perfidious Subjects ever suspect their Princes fidelity) which high insolency of theirs (unheard of till our times) so exasperates the King, that he resolves to try the utmost, to reduce them to their obedience; for that purpose marches with a mighty Army against them, the Prince also joyns with a considerable power; after many assaults, at length (after they had held it above two years) by the help of new made bridges and boats, they stormed it on every side, that they were forced to yeeld.

And now men thought that the fire

fire was quite out. But there were yet ſome live Embers (which the Earl of *Gloceſter* upon ſome diſtaſt blowing) ſuddenly flamed out againe in *London*, where the Commons of the City forgetting their late puniſhment, and as men (ſaith mine authour) without dread of God or the King, drew up in arms againe, flock to the Earl of *Gloceſter*, plundered the well affected to the King, ſequeſtred their eſtates, brake the priſons, choſe a new Mayor and Sheriffes, made Bulwarks and Barbicans, and fortified the City wonderouſly, and were ſo confident of their ſtrength and cauſe, that they durſt bid the King battell, appointing *Hounſlow heath* for the field.

Fabian.

The King by a ſpeedy march came to the place at the time appointed; but they inſtead of meeting his Majeſty, ran about the city

in a tumultuous manner. Some to *Westminster*, and there plundered the Kings Palace, *fenestras & ostia fregerunt*, (saith M. *Weston*) *vix manus à combustione totius Palatii cohibentes*; brake the doores and windows, hardly forbearing to set it all on fire.

Then the King removed his Camp to the other side of the City, and had his head-quarters at *Strafford*, three miles off the City, the rest of the Army lay at *Ham*, a village hard by. The wiser Citizens foreseeing the danger that hung over them, desired a Treaty with the King, whereunto (though they were unworthy of so much clemency) His Majesty was graciously pleased to condescend, and upon these easie terms, they were againe received to mercy.

Imprimis, Salvo in omnibus dicto

Killing-

Killingworthi, That the Ordinance of *Killingworth*, ſhould be razed, and the Trenches filled up; laſtly, that one thouſand marks dammages ſhould be paid downe to the Kings brother, for his Mannour of *Iſleworth*, fired by them long before.

Alſo his Majeſty for ſome years following choſe the Major and Sheriffs himſelf: but toward the latter end of his Reign being fully reconciled, he reſtored them their (often forfeited) * priviledges.

*Then did the King command, that peace ſhould be proclaimed all the Kingdome over, which was received with joyfull acclamations.

Thus after the Almighty (whoſe judgements are unſearchable) had ſuffered crafty ſeditious ſpirits, to ſeduce a whole Nation, to trample upon his Anointed, and to tread his Honour in the very duſt for a time, yet at length all his enemies are cloathed with ſhame, and upon himſelfe his Crowne flouriſheth againe.

And

And now after this furious dreadfull Tempeſt, after ſo many ſtormes and ſhoures of blood, began a joyful long expected Calm, which that they might enjoy without any intervening of more ſtorms, and for the better ſetling and quieting the Kingdome, the King gives expreſſe command for the razing of divers in-land Caſtles; as *Farnham*, *&c.* That ſo if another Rebellion ſhould be begotten, it might no where find a nurſe, and then it could not be long lived.

Alſo for the more quiet and ſecure travelling of his Subjects, he appoints a Captaine in every County, who with a Troop of Horſe ſhould alway aſſiſt the Sheriffe, for the taking and puniſhing all ſtragling reliques of the late Armies, and high-way robbers, wherewith the Kingdome

did

did abound at that time, no place free from them. In ſome places alſo, *Ruricolæ* (ſaith *Riſhanger*) the Countrey people would generally riſe againſt them (as againſt Wolves or Beares) and at one time, they took and kill'd fifty of them, that were got together near Saint *Albanes* in *Hartfordſhire*.

Beſides the King *Proclamari fecit, contra pacem Regni diſturbantes*, ſet forth a Proclamation againſt all ſuch as ſhould any way diſturb the quiet of the Realm, by plundering or ſtealing, *&c*. And that if any man ſhould preſume to ſteale but a Cow or a Sheep, *vel aliquid aliud* (ſaith mine Authour) he ſhould be ſurely put to death.

Theſe were the pretty deviſes of that age, to pump and drain the huge ſink of the Kingdome: but the Staple policy was, by a

Forreign

forreigne expedition (like a wide sluce) to let out all the filth at once: for which purpose therefore (among others) it was resolved upon, that a great Army should be raised under the command of the Prince, for a voyage to *Palestine*. And by this course especially did his Majesty soon spend the insolencies of his own, and the Rebells Souldiers, made Lawlesse by the late unavoidable Liberty of civill Arms.

So at a late Dyet or Parliament in *Germany* (after they had unduciſully strived with the Emperour, and wasted the Empire) it was concluded that all should be reduced to the same state as it was in the year, 1618

And here was an end of this wasting, groundles, unnatural war, wherein the subject having struggled and wrestled with Soveraignty, till they had wasted the Kingdome and wearied themselves, at last are content to sit down by the lesse, to let the King have his own Rights againe, and some of theirs according to the usuall event and issue of such imbroylments.

FINIS.